

# Hawaiian Gazette.

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HONOLULU, H. T., FRIDAY, MAY 24, 1901.—SEMI-WEEKLY.

WHOLE NO. 2283

## THE SENATE'S LONE HAND

### Various Nominees Are Confirmed Promptly.

The "Greatest Legislative Show on Earth" gave its fourteenth performance yesterday with an unvaried program as an attraction.

The curtain rose promptly at 2 o'clock, and after the rendering of the customary overture Senator Achl moved the suspension of the rules, in order to take up the Governor's appointments.

James H. Boyd, for the office of Superintendent of Public Works, was the first appointment considered, and on motion by Senator J. T. Brown, was approved.

W. H. Wright for Treasurer and E. G. Boyd for Land Commissioner, were also on the motion of J. T. Brown approved.

"Dr. C. L. Garvin, member of the Board of Health," was the next item called out by the clerk.

A dead silence followed this announcement, which was finally broken by Senator Cecil Brown, moving to approve of the appointment.

"Oily Bill" was on his feet in an instant, and shouted, "I move to reject the appointment," which was "kokusai" by nearly all of the independent members of the Senate.

Cecil Brown was then recognized, and wanted to know the reason for wanting to reject the appointment. As far as he was personally concerned, said Mr. Brown, he did not know Dr. Garvin except by reputation. The doctor had arrived during the cholera epidemic, and had rendered valuable service in stamping out that dread disease. If the Senate intended to adopt such tactics by rejecting the appointments of good men on the Board of Health they would not have any Board of Health at all. "In the States," continued Mr. Brown, "it was customary to approve all the reputable appointments made by the President or Governors, and those that were turned down owed it to their unfitness for the position."

It is not an easy matter for the Governor to fill up vacancies on the Board of Health, because the members of the board would necessarily have to neglect a great deal of their practice. If there is any good reason advanced as to why Dr. Garvin should not be approved I would vote to reject, but until such proofs are produced I will sustain the Governor's appointment."

Senator Carter referred the opposition to section 30, chapter 8 of the Organic Act, which governs the power of the Governor in appointing the members of the Board of Health.

It was the majority in the Senate who turned down the Governor's appointment at the last regular session, said Senator Carter, and for no reason at all except that they were appointed by the Governor. If the majority had only changed the laws doing away with the powers of the Board of Health there would not be such a serious objection to turning down the appointments, there would then be no necessity of having any Board of Health under those conditions. It was too late in the day, however, to make any changes in the law; the golden opportunity has passed by.

Mr. Carter said a prominent physician had told him that if the Legislature turned down any more members of the board, there would be a hard time to get any one to take their places. Any physician of standing would not accept an offer to serve on the board if they had such a Legislature to deal with.

"What would happen to the Kakaako district if there was no Board of Health?" continued Mr. Carter. "Disease would become rampant, and the people of Honolulu would have to go through the horrors of another epidemic. Members of this Senate must remember that without the board the city's garbage would not be collected, and a pretty condition of affairs would exist. Who would perform the work?" he asked.

"The Public Works Department" answered Senator Russel.

Senator Carter contradicted this statement, and said the entire garbage system was under the control of the Board of Health, and it was too late in the day for any change to be made in the laws in order to switch the work over to some other department. Just because "Oily Bill" wanted to reject the appointment was no reason why it should be done.

"As for my esteemed contemporary (Dr. Russel), he no doubt thinks that the Attorney-General or some other could perform this work of collecting garbage." Mr. Carter then inquired of the "Siberian" statesman if he thought that an appropriation for the collection of garbage could be placed in the Public Works Department schedule. If the superintendent of that department would draw a warrant for such work, would the auditor allow it? If the member from Hilo had such thoughts in his head it showed he was sadly deficient in his conception of the law.

At this juncture "Oily Bill" jumped to his feet and shouted, "I call the member to order. He has talked over

## MORE CONTEMPT.



THE JUDGE—Hello Grand Jury! I Find I Have the Contempt of the Whole Community. I Order You to Indict Everybody.

## PROF. STUBBS' VIEWS ON THE LABOR QUESTION ON THE ISLAND PLANTATIONS AS GIVEN IN AN OFFICIAL REPORT

It is difficult to treat this subject in a short article, and yet no study of the agricultural conditions of the Islands would be complete without reference to this important factor. For a half century the resources and ingenuity of the planters of these islands have been taxed to their utmost in devising the best means of procuring laborers suitable for their work. Special commissioners have been despatched to distant parts of the globe for the purpose of securing the desired immigration. Earnest efforts have been made in the way of carefully prepared reports and extensive correspondence. Large sums of money have been expended for costly voyages in the hope of obtaining permanent additions to the population of the Islands which would develop and maintain the growing agriculture. And yet the struggle continues. From the first arrival of coolies in 1852 up to the present time there has been

no cessation in the arduous efforts to obtain an adequate supply of labor for the plantations. The Royal Hawaiian Agricultural Society, established in 1888, issued a circular stating that "the introduction of coolie labor from China to supply the places of the rapidly decreasing native population was a subject of great importance." In 1882 the first introduction of coolies was made, and the experiment was satisfactory. They proved able and willing laborers and quieted for a while all apprehension of future trouble in obtaining labor. Other coolies were soon sent for and received.

But while the coolies were and are good workers it was soon discovered that laborers imported for plantations could not be relied upon as permanent settlers and housekeepers, and were therefore, from a state standpoint, very undesirable immigrants. The planters wanted laborers for profit; the King desired permanent settlers for the benefit of the country. To bring in immigrants required funds, which the former alone could supply, but they were unwilling to burden them-

to the large excess of men over women; they deprecated the class of coolies imported, and appealed to the patriotism of the planters to aid the Government in introducing carefully selected agriculturists.

A plan was suggested of introducing to Hawaii certain races of the Malay Archipelago, but the Government was without the means of consummating so favorable a project. In this imperative demand for labor the only alternative left was to introduce more coolies, which was done.

The "Chinese coolie system," as it was

called at this time, had an effect attach-

ed to it almost equal to that of the slave

trade. It was reported that men had

been actually purchased from the man-

darins for a few dollars each, while the

contractors picked up vagrants and sold

them at public auction in the markets

of Peru and elsewhere. The horrors of

the slave trade were in some instances

repeated and the deported coolies often

subjected to brutal privations and hard

## MURDERER MUST HANG

### Supreme Court Has Rendered Decision.

The Supreme Court yesterday rendered decision in the case of Fugihara Orieman vs. the Territory of Hawaii; ordering that the plaintiff be sentenced to death.

The Japanese was convicted of murder in the first degree at the July term of the First Circuit Court at Hilo last year, and sentenced to capital punishment.

In sentencing the prisoner Judge Little appointed September 21, 1900, as the day of execution. A stay of execution was granted under a writ of habeas corpus, which was denied on its return.

Subsequently the case was appealed to the Supreme Court on a writ of error, and was continued from the December to the March term.

The opinion given yesterday of the Supreme Court is unanimous, and is written by Justice Galbraith. Seventeen errors were assigned by the petitioner in his writ, but only three of these were argued. In regard to this Justice Galbraith says: "This court cannot be expected to wander out into the realm of investigation in search for visionary errors or to presume that errors might have occurred in the course of the trial."

One of the errors argued was a matter of the rules of court which the court declined to consider, it not having appeared in the original petition. Another matter was the following: "That the grand jury returning the indictment against petitioner was not drawn in the manner provided by law, and was therefore an illegal body." The comment upon this is as follows:

"The general rule is that the formalities for the selection, organization and doings of the grand jury are things separable from the judicial jurisdictions and other like fundamentals; so that defendants can waive irregularities therein, and they do waive any one whereof they have knowledge if they fail to object thereto promptly, or at the first step in the cause permissible."

"The record does not disclose that the defendant sought to avail himself of any possible irregularity in the drawing of the grand jury or the competency of any of its members prior to the commencement of the proceedings in this court. Under the above rule he certainly waived any rights he may have had to urge this objection at this time."

"The third objection is as to the form of sentence, because it fixed a time and place. This is not at variance with any Hawaiian law, but authorities are against the practice. The question is now regulated by statute in England, and in the majority of States in the United States."

"Yet even where practice was to fix time and place in the sentence, it did not prevent the execution from being carried out otherwise in a case where it failed at the originally stated time and place."

The syllabus of Judge Galbraith's opinion is as follows:

"Objections to the manner of drawing and empanelling the grand jury returning an indictment must be presented and urged to the court at the first opportunity, or they will be deemed waived."

"Every presumption is in favor of the regularity of the proceedings of the trial court. When the record is silent as to the manner of drawing the grand jury this court will presume that it was regularly and properly drawn."

"The time and place of execution are by law no part of the judgment. There is no statute in this Territory authorizing the court in pronouncing the death sentence to name the place and day of execution."

"Where the court in pronouncing the death sentence names the place and day of execution, the sentence is not thereby rendered void. That part of the sentence in excess of the authority of the court being separable from the legal part may be stricken out, or the prisoner may be taken before the court and re-sentenced."

The opinion concludes:

"We are bound to conclude from the record before us that the petitioner was lawfully and rightfully convicted."

"Now that the day of execution named in the sentence has passed, it seems its presence there can in no way prejudice any right of the petitioner. But in order to avoid any possible question of the regularity of the proceedings in the execution of the greatest punishment known to the law, it is deemed advisable that the petitioner should be re-sentenced. This may be done either in this court or in the Circuit Court."

"As a matter of practice we prefer that it should be done in the Circuit Court. As it should be done in the Circuit Court."

"We therefore remand the record to the Circuit Court of the Fourth Circuit of the Territory of Hawaii, and direct that the petitioner be taken before said court at a regular or special term thereof, and re-sentenced to suffer the punishment prescribed by law for the crime whereof he has been duly convicted, and that in the meantime the petitioner be kept in close confinement by the high sheriff."

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SMITHSONIAN DEPOSIT

# WRANGLING SENATORS

## A Muddle Over the Appropriation Bill.

(From Thursday's daily.)

The entire afternoon session of the Senate was given over to the consideration of the minority and majority reports from the Committee on Public Health and Education.

The question as to whether or not four normal inspectors should be employed occupied the most of the time of the Senators.

Senators J. F. Brown and Kanuha were very much opposed to the employment of four inspectors, giving as their reasons that the inspector's duties were very light, they, throwing the burden of their work upon the shoulders of their subordinates.

There was no morning session, that being given over to the committees in order to allow them to prepare their reports.

The afternoon session opened at 2 o'clock, and the first business to be transacted was the minority report from Senator Russel of the Committee on Education. Senator Russel wanted to wait until Senator Achi would arrive and present the majority report, but upon the suggestion of Senator C. Brown the report was presented, which is as follows:

The President of the Senate.

Sir: The minority of the Committee of Public Health and Education begs leave to report in regard to the items of public instruction referred to him as follows:

The minority agrees with the rest of the members of said committee in regard to the item of \$300,000 as is in the bill as a pay roll for support of schools, the Department of Public Instruction having produced sufficient evidence of the necessity of a large margin for thirty or forty additional school teachers during the next biennial period; also for the pay of teachers during the next biennial period; also for the pay of janitors and yardboys in larger schools.

The minority also agrees with the necessity of paying the Superintendent his back salary to April 1, 1901, in the amount of \$1,000.

As for the third item in the list, salary of four normal inspectors at \$6,000, total of \$24,000, and the last item of school agents \$4,000, the minority recommends that this last item be stricken out, and the offices of school agents be dispensed with and transferred upon normal inspectors who, in my opinion, can do that work more satisfactorily and without any prejudice to their other duties. I also recommends that another normal inspector be allowed to the large Island of Hawaii, since that Island has the largest number of school children scattered upon a very large area and the service of one inspector never can be so effective as on the other Islands with a smaller number of children and smaller area. The minority recommends that the third item be read thus: "Salary of five normal inspectors and school agents, at \$6,000, \$30,000."

And that an additional item next to this be inserted, viz: Traveling expenses of five normal inspectors at \$1,000 each, \$5,000.

The minority further recommends that the item first should stand as already passed by the Senate and that an additional new item of \$1,000 for the payment of back salaries due to teachers be inserted.

In respect to the items of the Reform School the minority agreed with the other members of the committee.

Yours respectfully,

N. RUSSEL

Senator C. Brown moved the report be tabled to be considered with majority report on the same matter. Carried.

Senator Achi arrived at this juncture, and immediately presented the majority report as follows:

Hon. S. H. Kahu, President.

Sir: Your Committee on Education to whom several items were referred respectfully report as follows:

First Items 22 and 23; back salary of Superintendent from June 14, 1900, to July 1, 1901. Your committee found that the above officer did not draw any salary from June 14, 1900, as there is no salary of the office; the salary was drawn by the president of the Board of Education as Minister of Foreign Office before.

The Superintendent performed his duties as stated in the Organic Act, and we believe he ought to be paid a reasonable compensation for the services he rendered. We recommend that an amount be inserted in the Appropriation bill as follows: Back salary of Superintendent from June 14, 1900, to April 1, 1901, \$1,000.

Second. Item 23: salary of four normal inspectors at \$6,000, \$24,000. We found out as follows: One inspector for the Islands of Kauai and Niihau, 1,600 scholars, and the Island of Oahu, excluding the District of Honolulu, 1,000 scholars; one inspector for the Islands of Maui, Molokai and Lanai, 1,500 scholars; one inspector for the Island of Hawaii, 3,800 scholars; one inspector for the District of Honolulu 1,000 scholars.

We believe, according to the statements made by the superintendent and secretary of the Board, that amounts asked for the inspectors are money well spent.

One of the inspectors (Mr. Buchet), who is in Honolulu further makes a request that an allowance for expenses be allowed to them, but we leave that to the House to decide.

Third. Item 24: pay roll support of schools, \$300,000. We found out that out of the amount asked the salaries of teachers who are teaching now amount to \$322,750; for next two years are to be paid. Also wages or salaries of yardmen, janitors and trust officers are to be paid. The Board also intends to employ thirty to forty more teachers in order that the new scholars may be taught, so we recommend that the amount of \$300,000 be passed.

Fourth. Item 25: salaries of school agents, \$4,000. This item was inserted in Appropriation bills for several years past; and we believe the Board of Education itself have a person in each district to look out for the interests of schools; and we believe the amount was being well spent before; and we recom-

mend the amount be passed.

Fifth. Item 26: if the House will decide not to build a Reformatory School for Girls, the item 22 ought to be passed at \$3,600 and the items 23, 24 and 25 be stricken out. The item be passed as follows: Pay of guards of Reformatory School, \$1,200.

In regard to salaries of teachers, the Superintendent stated to us that salaries are fixed according to the certificates given to teachers, the length of time they taught, the positions of several schools, the numbers of scholars in each school, and the efficiency of the scholars.

Respectfully submitted,

W. C. ACHI,

J. B. KAOHI,  
Members of the Committee of Education.

Cecil Brown moved the majority report be adopted. In regard to the reform school, C. Brown said that he did not think the building should be built at present, on account of the financial condition of the Territory at the present time, and that the matter of erecting the building could be deferred until the meeting of the next Legislature. If necessary, the present Reform School building could be used until such time as the new building would be put up.

In regard to the item of normal inspectors he agreed with the majority report, and that one inspector was all that was needed for Hawaii, the greatest number of scholars being in and around Hilo, therefore one inspector could cover the ground fully.

During Cecil Brown's talk, Private Secretary to the Governor A. G. Hawes, Jr., appeared at the door leading to the Senate chamber and vainly tried to attract the attention of the sergeant-at-arms, who was sitting in his chair dozing. Some little time elapsed ere the "peace officer" of the Senate took a tumble to himself, and upon looking around to see the cause of all the gesticulating by the Senators, jumped to his feet and mumbled, "Governor's message," and started up the aisle leading to the president's chair, with Secretary Hawes in tow. The message was then presented and read by the clerk, which was as follows:

Message to the Legislature of the Territory of Hawaii.

In view of the opinion rendered by the Attorney General to the effect that Act 71 of the Session Laws of 1898, entitled "An Act to provide for public loans," is still in force and that bonds may be legally issued in accordance with the terms of said Act and it also appearing from the statement of the Treasurer of the Territory that there still remain unissued bonds to the amount of \$799,000 authorized by said Act, I recommend the passage of an Appropriation bill making special appropriations for the use of the Territory during the succeeding biennial period, out of any moneys received by the Treasury from the loan authorized by Act 71 of the Session Laws of 1898, above referred to and submit the following estimates, the items of which may be found in the schedule of estimates submitted by the Governor under date of May 8, 1901.

I recommend the transfer of these items from the Appropriation bill for current expenses to the Appropriation bill above referred to; the remaining items of the Governor's estimates to be passed in the Appropriation bill for current expenses, with the exception of the item of \$7,000 for construction of roads in Puna, Hawaii, entitled "Twenty-one and one-half miles Volcano road to connect with railroad," which I recommend be strucken out.

HENRY E. COOPER,  
Acting Governor.

Executive Chamber, May 21, 1901.  
DEPARTMENT OF PUBLIC WORKS.

Sewerage, Honolulu ..... \$123,400  
Nuuanu stream district ..... \$8,200  
Material ..... 8,000

Miscellaneous Incidents and running expenses ..... 17,000

House connections ..... 15,900

15 per cent reserve, Vincent & Bolser contract ..... 17,900

Outfall sewer and incendi-tials ..... 11,400

Harbor improvements, Honolulu ..... 221,400

Youman's slip ..... 39,000

Kawa slip ..... 30,400

Youman's wharf ..... 42,000

Kawa wharf ..... 110,000

Harbor improvements, Hilo Extension of wharf ..... 20,000

Moorings ..... 5,000

Filtration system, Honolulu ..... 60,000

New building Insane Asylum ..... 30,000

Roads and Bridges, Hawaii—

Homestead roads, 25 do. ..... \$25,000

Wailuku bridge ..... 15,000

Roads, Hilo ..... 50,000

Widening and extension, Hilo streets ..... 25,000

Honolulu to Papakou ..... 25,000

Roads, Puna ..... 10,000

Pahoa to R. R. ..... 5,000

Kamala to Kalapana ..... 5,000

Roads, Kau ..... 32,000

To complete to Volcano ..... 22,500

Rock crusher ..... 2,500

Ninole ..... 2,000

Kahuku to South Kona ..... 6,000

Roads, South Kona ..... 10,000

Alike ..... 6,000

Hoonaunau to Hoopulu ..... 4,000

Road, Honuaula, N. Kona ..... 12,000

Road, Waimea to N. Kona completion ..... 22,000

Roads, Hamakua ..... 40,000

Main road ..... 15,000

Waipio grade ..... 10,000

Homestead ..... 15,000

Roads, North Hilo ..... 46,000

Waikauamal to Maulia ..... 20,000

Waipunalae to Kihel ..... 14,000

Koawali to Ookala ..... 12,000

Roads and Bridges, Maui—

Roads, Hana ..... \$18,000

Regrade Hana landing to Kealiku ..... 8,000

Kipahulu to connect ..... 1,000

Roads, Makawao ..... 18,000

Kula homestead ..... 5,000

Kroken to Kihel ..... 12,000

Roads, Lahaina ..... 12,500

Rock crusher ..... 2,500

Kahakuloa road ..... 10,000

Roads, Wailuku ..... 10,000

Macadamizing ..... 5,000

Maialaea to Kihel ..... 4,500

Roads and Bridges, Molokai—

Road, Molokai, grade to Halawa ..... \$1,000

Roads and Bridges, Oahu—

Road, Koalaupoko regrading ..... 4,000

Roads and Bridges, Kauai—

Roads, Hanalei, Kalihwai bridge ..... 5,000

Roads, Lihue, macadamizing ..... 6,000

Roads, Koloa ..... 6,700

Hoala branch ..... 1,000

Wahala grade and steel bridge ..... 3,000

Kalabed grade ..... 1,000

Roads, Waimea, upper bridge ..... 8,000

—\$10,700

Cecil Brown moved that consideration on the message be deferred, as he wanted to get an opinion from the Attorney-General on the matter before any action was taken. Dr. Russel seconded the motion.

Achi doubted the legality of placing the items referred to in the loan bill, as a recent decision of the Attorney-General denied them the right to act on any new loan measure.

Cecil Brown explained that the loan bill referred to was already passed, and all that would be required would be for the Treasurer to advertise and sell the bonds to those that wanted to purchase them.

Senator Kalauokalani said as there seemed to be some doubt as to the legality of the loan bill, suggested that action be deferred until the Attorney-General was heard from. The motion prevailed.

Senator Brown then took the floor, and continued his interrupted talk on the items referring to public instruction.

In regard to the salary of school agents, which the minority of the committee asked to be stricken out, he said their duties were manifold, and at times very arduous, and that he considered the money well spent for such an office.

He agreed with Senator Russel that the back salary of teachers, amounting to \$1,163.50 should be paid, as the government owed the money, and would therefore be in honor bound to pay the claim.

Senator Baldwin then moved the majority report be taken up and considered item by item.

The back salary of the superintendent from June 14, 1900, to July 1, 1901, was placed at the sum mentioned in the committee's report, viz \$1,062.50.

The salary of the four normal inspectors was then taken up, and occupied the balance of the session.

Senator J. T. Brown did not see the necessity of having so many inspectors, and for that matter did not see the use of having any at all, as the present inspectors did not have anything to do, throwing all the work on their subordinates.

Senator Baldwin rose to a question of privilege, and inquired of the honorable member whether or not he intended to do away with the office of inspectors altogether, or merely to reduce their salaries.

"If we had a less number of inspectors," reported Brown, "we would see more of them. In the past when there was only one inspector, he was seen often, but now they are seldom around."

Senator Kanuha was then recognized, and threw out some "hot air" on the subject. He acknowledged there had been an increase in morality, but that was no reason why there should be so many inspectors employed. There being such an efficient corps of teachers now the office of inspector was not as necessary as in former times.

# A DAY OF SENSATIONS

## Humphreys Playing to Gallery Again.

(From Thursday's Daily.)

**T**HERE were two sensations in the First Circuit Court yesterday morning. The first was the scoring of Attorney General Dole by Judge Humphreys, and the second the ordering into custody of Lorin A. Thurston.

The afternoon session was devoid of these features, lightened only by the appearance of General Hartwell. The crowds which filled the court room on the opening day of the cases were absent; there were few attorneys and only a small number of spectators in the room at the opening, and the way in which the day's work was opened was little to attract the crowds in itself.

The underlined attraction for the curtain-raiser was the closing speech of Attorney-General Dole in the matter of the Acting Governor and former Superintendent of Public Works McCandless. This came to the front early, for there was little business before the court. The setting of a few cases took little time of the court, and the result was that the Attorney-General began his finale soon after 10 o'clock. One feature of the first few minutes of the court's session was the setting straight of the entire matter of the power and authority of the Acting Governor in the opinion of the judge.

The Attorney-General was going on in his argument with the contention of Fitch that the secretary had little or no authority or right in the holding of his office, when the judge of the court said that the question would not be taken up by him. Any disputation of the matter of the perfect authority of the Acting Governor would tend, he said, to discredit the action of that official and might lead to some complications in the matters of the finances, or other fundamentals which might arise out of the meeting of the Legislature. With this "hunch," the Attorney-General did not consume much time in the closing of his case.

### COURT ABUSES ATTORNEY.

There was little feature in the closing remarks, and the friend of the court did not take up any time with sur-rebuttal, but allowed the matter to go to the court. The judge said first that he would take the case under proper advisement, as in matters of such importance there would be time needed for the proper adjusting of matters and the preparation of a decision. As at the beginning of the day the court dismissed the jury from attendance until Tuesday next, it is presumed that it will be until that time that the court will be busied with the decision in the case. After remarks bearing directly on the matter at issue the court turned its attention to the chief law officer of the Territory, and used some vigorous language.

The court stated that throughout his remarks the Attorney-General had apparently been addressing the audience in place of the judge. His attitude in some respects had shown contempt. The court had noticed it, but had not felt inclined to comment upon it, even to the extent it plainly deserved. The court was at a loss to know why the Attorney-General had repeatedly referred to the powers of a Governor. If he imagined that a suggestion that the Governor could call on the United States army and navy would intimidate the court, he might well disabuse himself of the idea at once. Continuing the court said:

"Again the court says that anyone who stands at the bar of this court representing an' power, officer or sovereignty who by threat or force attempts to intimidate this court, will fail in his purpose and will only inspire the court with unspeakable contempt not only for the argument, but for the author of it."

When the judge had finished his exhortation the Attorney-General rose and asked that his remarks be made of record, and continued that what he had said had been in the main the decisions of the highest courts of the country.

The court said that this would be done, and that as all would be submitted to the Department of Justice at Washington, he himself was desirous that there be nothing lacking in the records of the case.

### THURSTON CASE CALLED.

At the conclusion of the judge's statement the case of L. A. Thurston was called, and Attorney Hartwell presented the matter as follows:

The matter of L. A. Thurston, if the court please, presents a question of law, clear cut and impersonal. There is no controversy concerning the facts, the facts in substance being that the respondent having certain information, declined to testify, to answer the interrogatories, which would reveal that information, desiring to go as far as the law would permit him to go.

It is not a question of compelling the respondent to answer the interrogatories. Thus far no order of the court has been made upon the subject. The question is now presented whether the court will or will not order the testimony to be given. There is no possible question of contumacy on the part of this respondent. He is not interested himself at all in the matter. He has no rights in the matter. It is the question of what is his duty as a counselor, as a solicitor, and as an attorney at law. The facts show that he has expressly requested his client to allow him to make known the information which he has received, and that the client refuses to allow him to do so, and that for reasons not stated, but which could easily be surmised, I fancy, it would result to the injury of the business interests of that client if that information were now

made known. That is the position in fact.

Now, I do not propose to incur for myself the censure which I remember once hearing was given by our famous Chief Justice Shaw, of the State of Massachusetts, to a young lawyer who, after reading law to the Chief Justice for a considerable time, was finally told, "Young man, this court is presumed to know some law." I do not say that if I could secure the whole of that censure to myself at my time I might not wish to give cause for it; but what I mean is this; I do not propose to read to the court what the books are full of on the subject, the rules of law concerning the duties of counsel to client.

The Court—The court desires to say that it is not only entertained by General Hartwell, but is at all times instructed by him.

Mr. Hartwell—Thank you. The rule is very familiar; all the books on evidence have it, and all the books that treat upon the subject. I will say a word, if the court please, about the reason for the rule, and that is all.

### BASEBALL LEAGUE NOW IN SIGHT

The Honolulu Athletic Club has secured temporary headquarters in the Elite building, where the trustees of the club will meet this evening at 7:30 o'clock.

A game of baseball will be played at Makiki next Saturday between the nine of the Honolulu Athletic Club and the Police Department.

Tomorrow evening representatives of the Honolulu Athletic Club, Police Department, Maile Ilima Athletic Club and the Young Men's Christian Association will meet at 7:30 o'clock in the rooms of the first-named club for the purpose of forming a baseball league.

The Honolulu Athletic Club's headquarters will be open to members next Saturday evening.

Work on the Kapiolani Park baseball diamond will be commenced as soon as a league has been formed.

In the tennis tournament yesterday the following results were obtained:

Gentlemen's doubles, Messrs. Hitchcock and S. G. Wilder won from Messrs. Prosser and Rice by default, the former player not being in town.

On the Beretania Tennis Club's courts Messrs. Castle and Canavarro won from Messrs. J. P. Cooke and S. P. Wilder by default.

Messrs. Fuller and Cheek defeated Messrs. Irvine and Landale 6-5, 6-4.

The mixed doubles between Mr. and Mrs. Elston and Frank Atherton and Miss Gertrude Scott fell through on account of the illness of Frank Atherton. Mr. and Mrs. Elston refused to accept the game by default and the contest will take place later.

On account of rain there was no work done at the track yesterday with the exception of a few slow heats by Waldo J.

The excellent mile recently shown by George Carter's pacer—2:26, last half,

1:07—makes him a possibility for the 2:14 class.

WORE THEM OUT HERSELF.

There was a time when Mrs. Hayes considered herself to be what she calls "a gone woman." She actually divided her clothes and other personal effects among her children. Thank Goodness—but here is her story, told in her own way: by all odds the best way.

"Three years ago, she says, "I had dreadful pains across the left side of my stomach and under the shoulder-blades. My left side swelled up fearfully. I was laid up weeks at a time, work being out of the question. While these fits were on I could neither walk nor stand with comfort."

"I was really ashamed to let the neighbors see me crawling about; so I spent most of my time lying down or leaning against something to ease the dreadful pains.

"I had been a hard-working woman all my life, but now I lost my strength and dreaded to eat anything, knowing the woeful suffering I was sure to experience afterwards; as if eating were somehow a crime against the laws of nature. And at night I rolled and tossed about instead of sleeping.

"The doctor said it was indigestion and no doubt he was right, but he was not able to relieve me.

"I considered myself a 'gone woman' and told my husband I was sure I could not last much longer. Indeed, I was so fully persuaded of this, that I actually divided my clothes and personal effects among my children.

"Thank Goodness and Mother Seigel's Syrup I have since worn out most of them myself.

"After a lot of coaxing and argument (for I was tired of trying things, and hope had about died away in my heart) I consented to take Seigel's Syrup, although the doctor had advised me not to touch it.

"I was not quite sure of the effect of the first bottle, but my husband insisted on my going on with it. So I did go on with it, and after I had got through half the second bottle there was no doubt of the result. I was much better; I felt it, and others could see it.

"It was hardly short of a miracle, the way Seigel's Syrup brought me round. From a poor, weak, and wretched woman, unable to walk or scarcely to raise my hand to do the smallest piece of work, it gave me back health and strength, restored me to my husband and family, enabled me to go on with my work once more, and, in short, made me as well as ever I was in my life.

"I am now upwards of 60, and have reared a large family. I have lived in the district about 37 years, and am well known here.

"My husband and sons, as well as our grandchildren, work in connection with the coal mines, for which this district is noted. I have told all the neighbors what Seigel's Syrup did for me, and am perfectly willing that my case should be published if you think it may be useful." (Mrs.) Julie Hayes, Mount Keira, Paradise, near Wollongong, N. S. W. October 14th, 1900.

Mr. John Hickey, blacksmith, at the same place, wrote that he has known Mrs. Hayes all his life, and (in common with many others) knows her statement to be true. He adds that she is respected by everyone.

Witness—Timed for contempt, Court? Why, I didn't say a word. But, at Judge—that's just it. You didn't answer my questions, an' that's how you do so, and that for reasons not stated, but which could easily be surmised. I fancy, it would result to the injury of the business interests of that client if that information were now

### COURT NOTES.

(From Wednesday's Daily.)

#### COURT NOTES.

John S. Prendergast, administrator of the estate of Kalaevel Pearson, has filed his final account, charging himself \$300 and asking to be allowed \$200.50, and petitioning for allowance of accounts and final distribution and discharge. An order has been issued giving notice that the hearing of such petition will be had on Monday, July 1, at 10 o'clock a.m.

The defendant in the case of J. A. Magoon vs. Louis Marks has filed his bill of exceptions and transcript on appeal.

#### DIVORCE PROCEEDINGS.

In the action for divorce of Libana de Nobrega vs. Sylvano de Nobrega, the defendant yesterday filed an answer to the amended complaint of plaintiff.

In addition to the general denial of all the allegations of the complaint, the defendant alleges that on April 13, 1899, he conveyed by deed, in fee simple, to Joe de Nobrega, son of plaintiff and defendant, a certain house and lot in Nuuanu valley of the value of \$3,500, with the object, purpose and understanding that the same would immediately be conveyed to the plaintiff for her sole use, benefit and maintenance; the said premises were so conveyed on April 13, and that she has ever since been in possession of same.

Also that from September 23, 1898, to January 25, 1901, defendant paid to plaintiff the sum of \$6 per week for their support and maintenance, and that ever since the latter date he has been at all times ready and willing to pay the same, although plaintiff has failed to demand and receive said \$6 per week.

J. M. Long is attorney for the defendant.

#### CHRISTLEY VS. MAGOON DECISION.

The Supreme Court yesterday rendered decision in the equity case of Thomas Christley vs. J. A. Magoon and Emmeline M. Magoon, which was submitted on December 26, 1900. The decision was in favor of Christley.

The case was a suit to cancel a deed dated November 2, 1888, from plaintiff to defendant Emmeline M. Magoon of 2.67 acres of land on the easterly side of Fort street, between School and Vineyard streets, in Honolulu; the consideration named in the deed was \$10,000, although the real consideration was an oral promise to pay to the plaintiff's debts, amounting to \$4,000, and a written promise to pay the plaintiff \$75 per month for the remainder of his life.

The deed was held to have been procured through undue influence, as shown by the existence of the confidential relationships of attorney and client and principal and agent between the parties, the mental weaknesses of the plaintiff and the inadequacy of the consideration.

The grounds relied upon are fraud and mistake.

The opinion is by Justice Frear, and Judge Edings sat in place of Justice Perry, disqualified. Hatch and Gilligan and J. T. De Bolt were attorneys for the plaintiff, and Kinney, Ballou & McClanahan for defendant.

The syllabus of Justice Frear's opinion shows that for two years preceding the execution of the deed J. A. Magoon had been the plaintiff's agent in respect to the plaintiff's property in question, collecting rents, paying taxes, etc., and advising him professionally in matters of law; that plaintiff trusted him implicitly; that plaintiff was simple and absent-minded, and susceptible to influence; that plaintiff's wife had left him and that he was worried with money troubles and cares; that he was 50 years of age, and was a carpenter and a dairymen; that he worked hard and was disabled with ill-health; that he was greatly discouraged; that his property had been purchased by him own hard earnings; that on October 21, 1888, the defendants paid plaintiff a visit and after talking over the plaintiff's troubles, an agreement was entered into, whereby the defendants offered to pay him \$75 per month for the remainder of his life, and to pay off his \$4,000 debts in return for the property; that the plaintiff, wishing to escape the care and responsibilities of the property, agreed to this and signed the deed, the consideration being grossly inadequate to the worth of the property, the rentals alone bringing in \$18 or more per month, and the property of the value, at the minimum estimate, of \$25,000; that subsequently plaintiff's wife returned to him and they became reconciled, and that plaintiff's eyes were then opened to the nature of the business deal he had made.

The opinion then concludes:

"We need not go into the question as to whether the plaintiff, as he now claims, thought he was signing a deed in trust for his children, subject to the payment of \$75 a month to him for life out of the rents. There is certainly much knowledge that it is difficult to reconcile with that theory, as well as some in support of it. We may even assume that the defendants thought they were being magnanimous toward the plaintiff, at least to the extent of thinking that the new arrangement was better for him, considering all his troubles, than the old. But in view of the then existing relationship of principal and agent with reference to this property, the relationship of attorney and client, the plaintiff's weaknesses and his trust in the defendants, the defendants' interest in the transaction, and the inadequacy of the consideration, equity must on well-established principles undo the transaction. The presumption from such relationships is against the defendants. It is for them to show adequacy of consideration and that the parties were dealing with each other at arm's length or that they advised and acted with reference to the plaintiff's interests, as if the latter had been dealing with a third party. The plaintiff, while he may have understood that that was done which was done, apparently did not fully realize what it all meant. He trusted to the defendants to do what was best for him. The presumption of undue influence arises from the existence of the fiduciary or confidential relationship. Such relationship in this connection has a broad meaning. It includes the relationship of attorney and client and even that of principal and agent. The presumption is stronger where the relationship exists in respect of the property in question, where the party claiming to be injuriously affected is mentally inferior to the other, and where the consideration paid is not clearly adequate. This presumption arises in the present case and has not been overcome.

"The defendants further rely on ratification or acquiescence, on the ground that if he did not realize what was done at the time, he did afterwards and yet continued to accept for several months the payments of \$75 a month and to recognize the transaction in other ways. A complete answer to this is that the induces which the defendants exercised over the plaintiff and the confidence he reposed in them continued during this period. He was, as already noted, living with the defendants in their home. He does not appear to have acted with any intent to recognize the validity of the transaction

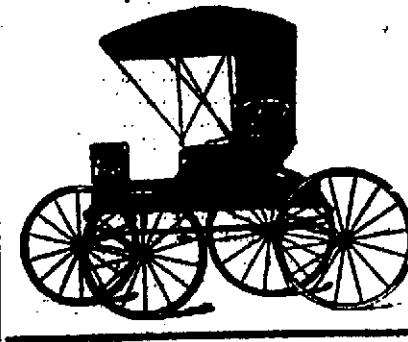
until he was removed from such induce-

"The defendants further rely on the plaintiff's failure to tender to the defendants what they had paid out under the agreement, on account of debts or the annuity. The plaintiff in his bill alleges that he had requested the defendant, Mr. Magoon, for an account, but that the latter had failed to render one, and he prays for an accounting. The defendants had been in possession and received the rents of the land and, for ought that the plaintiff knew, so far as appears, had received more than they paid out. The defendant, Mr. Magoon, testified that the mortgage debt, which was more than half of the \$4,000 indebtedness, was not paid until after the suit was commenced. At the hearing the plaintiff offered to pay all that the defendants had paid out under the agreement. Apparently no question as to tender was raised in the lower court. The Court decreed not only that the deed was null and void and that it be set aside and cancelled, and that the defendant, Mrs. Magoon, be a trustee for the plaintiff of the property in question, and that the defendants execute a deed of the property to the plaintiff, and account to him for all moneys received by them therefrom and as his agent, but also made all these conditional upon his paying to them or into court all sums paid by them towards the \$4,000 debts and \$75 payments. Under these circumstances the defendants are amply protected, and it would not be equitable to allow them to now rely upon failure to make a tender prior to bringing the suit.

"Of course those who took leases of the property from Mrs. Magoon after she acquired title under the deed in question would not be affected by the decree in this case, for they are not parties. We presume, also, that they would not be affected even if they were parties, for the reason that they took innocently.

But it may be that if the deed were set aside as null and void at the time of its execution, Christley would technically have a right of action against the Magoons for having made the leases, even though he might be able to recover only nominal damages, for apparently the leases were made on terms as favorable to the lessor as could be obtained. He who seeks equity must do equity. Christley was not altogether blameless. He was aware of the execution of the leases and while we do not go so far as to hold that his knowledge and failure to object operates as an estoppel against his setting up undue influence because the undue influence continued, yet he may as a matter of equity be given relief only on condition that he place the defendants, as far as possible in their former position. He has elected to come into equity rather than go to law. In our opinion it will be as much as he can fairly ask so far as the deed is concerned to have Mrs. Magoon declared a trustee for him and to convey the property to him subject to the leases, and not to declare the deed null and void and order it cancelled.

"The case is remanded to the Circuit Judge with directions to modify the decree in conformity with these views and for such further proceedings as may be proper."



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SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS

WALTER G. SMITH, EDITOR.

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FRIDAY . . . . . MAY 24

Has Pain been called before the grand  
inquisitors? If not, why not?If Attorney General Dole did not ex-  
press contempt for Judge Humphreys  
yesterday he missed a chance to voice  
the opinion of the town.Probably the scheme to remove Mr.  
Dole will find room on the shelf where  
he has other mouldy device to annual  
the Territorial land sales.It may be that the smallpox scare in  
Kauai is premature. With the average  
Porto Rican the indignity of a bath  
is likely to bring out a rash.It is a pity that Wilcox isn't here to  
receive Aguinaldo when he comes. There  
would be a fellow-feeling between these celebrated military sprinters.One editor shot a man and was forth-  
with released on \$500 bail. Another  
editor says he does not know a corpora-  
tion which was held up by the Legis-  
lature, and he is compelled by the  
same judge to put up \$5,000 or go to  
jail. The first editor was in the em-  
ploy of the judge. The second editor  
was connected with a paper which  
thought the judge was a fraud, and  
said so.There is no desire on the part of the  
Territorial officials to evade the law in  
the matter of bonds. Whatever is pro-  
posed must be passed upon by the Pres-  
ident. The Legislative and Territorial  
Executive have only to do their part  
and leave the rest to the Chief Magis-  
trate. That is the program, and it is  
quite above criticism.Scene in a morning newspaper office.  
Editor—Hello, is that White 111?  
That you, Judge? Say—the Advertiser  
keeps on scooping us. Can't you get  
the Grand Jury to indict another mem-  
ber of the staff and keep the reporters  
on the bench all day waiting to be  
called? Give us a show, Judge, or you'll  
never work off any of that stock.If the Grand Jury has an impartial  
moment in stock it should call Hum-  
phreys before it and ask what the new-  
made lawyers from the Legislature did  
to deserve admission to practice with-  
out examination or previous knowledge  
of the law? Why did the judge reward  
them with off-hand diplomas? What  
did he get directly or indirectly in re-  
turn for degrading the bar?Now that an avalanche of proof that  
treasurers were sought by members of the  
Legislature is nearly ready to descend,  
we bear that the Grand Jury is making  
haste to get in its whitewashing  
report and adjourn sine die. Why not  
wait a little, gentlemen? There is no  
need of hurrying away at the appellee  
of evidence, even if the judge raises  
danger signals.Does Humphreys think that if his  
judicial attacks on the Advertiser con-  
tinue long enough, he will be able to  
unload the stock of his failing news-  
paper venture at something near par?  
Why not cite the whole staff and man-  
agement of this paper and send them  
to jail for the contempt they feel, in  
common with the rest of the community,  
for the political Judge of the First  
Circuit Court? That might leave Hum-  
phreys' paper free for a few days to  
get a reading in the market.Judge Humphreys went out of his  
way on Wednesday to tell the Attorney-General from the bench that he re-  
garded both the Attorney-General and his  
argument with "unspoken contempt."  
If Judge Humphreys could manage to struggle out from under the  
blankets of preposterous conceit, in  
which he has wrapped himself, long  
enough to realize the "unspoken  
contempt" with which he is regarded  
by the people of this town, irrespective  
of race or party, he would feel like a  
cold, wet dish rag.The editor of the Maui News, who  
was much in favor of county and city  
government before the Legislature met, now admits misgivings. Mr. Loeben-  
stein, as will be recalled, lately did the  
same thing. The truth is that intelligent  
men not in conspiracy with the  
Home Rulers to despoil the country,  
but earnestly believing in the worth of  
subdivided government, are coming to  
see that their proposed experiment, en-  
trusted to such politicians as rule and  
advise this Legislature would wreck  
the country. It is a good sign that the  
public spirit of men like Messrs. Rob-  
ertson and Loebenstein is taking this  
form, for it argues that the time will  
be long deferred before the taxpayers  
of Hawaii will have to deal with munici-  
pal problems.**SELECTING GRAND JURORS.**Ballot: Did you stand up for the  
Queen in 1887?  
Did you put up money to send an  
anti-annexation party to Washington?  
Did you go out with Wilcox in 1887?  
When you say missionary do you always  
say "damn" first?  
Do you put in half an hour each day  
curing Dole?Do you agree that Judge Humphreys  
has a "pale intellectual face," and that  
he is the whole thing in these Islands?  
Did you vote the Home Rule ticket?All right! The answers are in the  
affirmative. Judge! Shall I swear him in  
as a Grand Juror? Yes? Please pass  
right in, my good American friend, and  
take the oath.**A PACKED GRAND JURY.**

The present alleged Grand Jury is a Grand Jury in name only. As a matter of fact it is a carefully selected body of men having one main object in view, viz., the discrediting of the Government and the venting of the hostility and spite of Judge Humphreys and the leading Royalists with whom he has formed an alliance, upon those who oppose him.

The evidences of the truth of this statement are overwhelming. The law heretofore in effect providing specific officers and methods for drawing juries has been abandoned.

By an unnatural alliance between a supposedly Republican Judge and a bitterly anti-Republican Legislature, a bill which on its face simply provided for a bailiff for the Circuit Court, was smuggled through the Legislature, which bill Judge Humphreys now claims authorizes him to have grand, as well as petit juries selected by his own bailiff; or in other words, by himself.

No such intent is apparent on the face of the bill. None was suggested in debate in the Legislature. That it gives such power is disputed; but meanwhile Judge Humphreys has assumed the power and through his puppet bailiff has summoned a Grand Jury for the avowed purpose of inquiring into certain bribery charges, the evidence concerning which the Governor, the Secretary of the Territory and the Attorney-General unitedly declare is not yet in such condition as to suffice, and the only result of which will be to probably prevent conviction.

The charges are made by a Republican Governor against a Legislature, two-thirds of whom are his political opponents.

The Grand Jury selected by the judge consists of fifteen men. Of these, only one, C. H. Cooke, is even friendly to Governor Dole, and he is in no way a leader or prominently identified with any party.

Six were candidates for the Legislature at the last election, on tickets hostile to the Governor, and were defeated for such offices: A. V. Gear, J. D. Holt, Jr., J. O. Carter, E. B. Mikakane, E. C. Macfarlane and J. C. Quinn.

Two, J. O. Carter and E. C. Macfarlane, were the late Queen Liliuokalani's personal agents at Washington in opposition to annexation between 1882 and 1897; and at all times have been and now are in bitter hostility to the Dole Government.

Two, E. C. Macfarlane and J. F. Colburn, were Cabinet Ministers under Liliuokalani, just before the overthrow of the monarchy, Colburn being one of the ministers at the time of the overthrow.

One, A. V. Gear, is the controlling owner of the "Bulletin," a daily paper which, professedly Republican, has but one steadfast article of faith, which is to be in season and out, malign, abuse and misrepresent Governor Dole and his administration. During the late session of the Legislature it has given the Home Rule Legislature a thick and thin support in all of its vicious and foolish measures, and continuously misrepresented the Republican members and efforts.

With the exception of Mr. Cooke, and possibly two others, every one of the fifteen was a Royalist prior to annexation, and except Mr. Cooke, all are openly hostile to the Governor and his administration since annexation.

This selection did not happen accidentally. It is the result of careful choice for a deliberate purpose.

When such a thing is done under the present circumstances it is positive proof that the foundation head of justice is corrupt and defiled.

When a judge of the court is not only a bitter partisan, conducting a newspaper filled daily with violent personal attacks upon all who displease him, but takes to packing juries to secure personal ends, justice is imperilled, and no man in the country is safe.

**MILEAGE.**

The question of drawing mileage for journeys that have not been made is a moral one for members of the Legislature to settle with their consciences. According to the Organic Act, "the members of the Legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of four hundred dollars." This means that the mileage is theirs if they want it, the law assuming that they must make at least one round trip between their places of abode and the capitol. In the case of the present Legislature some members from the other islands did not return home at the close of the regular session. Instead they stayed here to resume work at the special session. Can these men legally draw mileage for the regular session as well as the special one? The House has decided that they can, and the House is probably right. Ten cents a mile each way will go to a statesman from the big island, for example, even though he has only travelled one way and had a pass with which to save expense. A nice idea of honor—that is to say, a poignant one—might hesitate to accept full mileage under these circumstances, but it is the custom to do so, and custom is more powerful than propriety.

There ought, we think, to be some legislation fixing the amount of mileage paid, especially by Congress as respects its own members. The Federal law-makers credit themselves with twenty cents a mile each way. This was all very well in stage-coach and ox-team days, when the rate was originally fixed, but travel has cheapened since then. Fifty years ago a delegate from Hawaii could not have journeyed to Washington "by the shortest route" for twenty cents a mile. His land-outfitting would have cost that. Now Delegate Wilcox can travel from here to Washington in first-class style for \$250 yet he draws \$1,000. That is not fair to the taxpayers, though admittedly lawful. There ought to be no chance under our system for perquisites to get a permanent rottage lest they overrun the soil.

**HUMPHREYS IN VAUDEVILLE.** We concur in the main with the views of the Star, recently expressed, that much that is happening around us amounts only to a tempest in a teapot, or to be more pointed, that the vaudeville element largely predominates in Humphreys.

For while we confess that Humphreys is not wanting in venom or lack of scruples, and therefore in these respects would make a good leader for "the gang," yet he has shown himself so eccentric and skyrocketing, that even the most reckless among them—those ready to tie up to any old thing that will lead to a pile counter—must shake their heads when committing themselves to his zigzag leadership.

Humphreys has been in office less than a year, yet he has already alienated every stable element in the country. If he was seeking office today, as he was a year ago, what part of the support he had then could he muster now?

Practically none of it. Then numbers of men like Mr. Cecil Brown were led to support him. Would any of them do so now?

And why this change? Simply because the man has shown himself so frantically foolish, inconsistent and devoid of principle that no self-respecting supporter could stay by him.

He started into practical politics in Hawaii by trying to get the Republican party to subscribe point blank to the proposition that the nominees of the party duly chosen should be voted for even if confessedly corrupt. Of course the Republican party was not willing to commit hara-kiri by tying themselves up to any such proposition and they turned Don Quixote down. A few months pass and the straight voter himself scratches the ticket of his party right and left, because some of his friends have been opposed, and then with his customary prudence rushes into print to announce what he has done so as to have it on record for use against him when the time comes.

He begins his career as a judge by bulldozing and insulting Albert Mc- Gurn, his bailiff, and Henry Smith, the clerk of court, and other employees of Hawaiian extraction until it needed no

**JUDICIAL BOORISHNESS.**

The representative of one department of the Government who has any regard for the dignity of his office treats the representatives of other departments with formal politeness. If nothing more.

The boorishness and overweening conceit of Judge Humphreys, which so constantly marks his course, were never more pointedly shown than yesterday. The case of Secretary Cooper and J. A. McCandless had closed, by the judge announcing that decision would be reversed and filed in writing.

Thereupon, without rhyme, reason or connection except an ever-itching craving for notoriety, he proceeded at length to heap insult after insult upon Attorney-General Dole in an aimless harangue to the audience, informing them twice over that he had the most supreme contempt both for the Attorney-General and his argument.

Bah! and this we are told is Americanism!

The Chamber of Commerce would do well to accept the bid of Mr. Townsend to take a stereopticon exhibit of Island views to Buffalo—that is, assuming a place can be found for the exhibit in the great fair. We bear that there is no room for the educational display unless some can be rented of people who have more space than they need. If this is so, a Hawaiian stereopticon might find itself out in the air. If the difficulty can be conquered, then Mr. Townsend should by all means be sent to Buffalo to save Hawaii from the ill-fame that the Midway exhibition is giving it.

**LOCAL BREVIETIES.**

Surveyor Monsarrat has gone to Kauai.

The school street bridge is rapidly growing.

W. H. Rice returned to Kauai in the Mikahiki.

Fred Smith, manager of the Grove Farm, Lihue, returned to his home in the Mikahiki.

The clerical force of the Assistant Superintendent of Public Works is stated for a heavy reduction by the Legislature.

Commander J. F. Merry, of the naval station, will arrive in San Francisco on the 18th, and shortly after return to his duties at Pearl Harbor.

On the departure of Mrs. Coleman, in the Sonoma, the secretaryship of the Young Women's Christian Association will devolve upon Mrs. H. C. Brown.

Local Knights of Pythias have left their lodgeroom over Wichman's on account of a heavy advance of rent, and will meet temporarily in Harmony Hall.

Mr. H. M. Whitney goes to Hilo to-day to investigate a new kind of cane, of which about 1,000 acres have been planted on one of the Irwin plantations.

Harry D. Couzens, Deputy United States Internal Revenue collector, was elected secretary of the Honolulu lodge of Elks, at their meeting Monday night, in place of A. F. Judd, resigned.

Queen Liliuokalani expects soon to make a trip to Hilo. A luncheon in her honor was given on Tuesday at the residence of Mrs. Walker, in Nuuanu. A number of the nearest friends of the Queen were present.

The native boatmen at the pilot house, and some Chinese fishermen, are making money by securing coral from the reef and selling specimens. These are secured by diving at the reef, in from six to nine fathoms of water.

Pan-American postage stamps, gotten out in honor of the Buffalo Exposition, are beginning to arrive in town. The shape of the stamp is oblong. The one-cent denomination is green, with picture of a modern freight boat; two-cent, red, with the picture of an express train; four-cent, brown, with an automobile device; five-cent, blue, with a picture of a cantilever bridge; eight-cent, dark brown, canal scene; ten-cent, maroon, picture of lake steamer.

The native boatmen at the pilot house, and some Chinese fishermen, are making money by securing coral from the reef and selling specimens. These are secured by diving at the reef, in from six to nine fathoms of water.

At a meeting of the committee of judges for the advertising tourney on Saturday night, it was decided to make four first mentions of the exhibit under the following heads: (1) The most original conception; (2) the most elaborate, or spectacular display; (3) the most artistic designs; (4) the most comical performance. The judges are to be Mrs. McGrew, chairman; Mrs. A. T. Atkinson, Mrs. J. B. Atherton, Mrs. S. M. Damon, Mrs. W. F. Frear, Messrs. J. S. McGrew and A. Mackin-

tock.

Lookout Charlie Peterson will re-

sume control of the Diamond Head Signal Station, in place of Captain Rosehill. Captain Rosehill's work while in charge of the station has been criticised, and upon recommendation from the Chamber of Commerce, Superintendent of Public Works J. H. Boyd decided to make the change.

"Lookout Charlie" will have charge of the light on the head, as well as the lookout station, and will be given an assistant to look after that part of the work.

The cars for the Rapid Transit Company arrived on the bark S. C. Allen, and the sections are now being put together and painted at the company's barns. Twenty-five cars for regular runs will be set up, with two especially designed for trolley parties. They are all fitted with the latest appliances for comfort and safety, and were made by the American Car Company, of St. Louis. The boiler plant is expected to be finished in about ten days, by which time the arrival of the much-needed curves and crossings for the track is anticipated.

Then again that Grand Jury, Humphreys really got a good thing from the Legislature (including the eighteen licenses), when he got that bailiff's act—so good he thought he would put the clamp on his enemies with it gradually, so that it would be hard to prove motive or intent; but no, here again Abe shows his wit by insisting on shooting off his Xmas toy at once and at everybody, and "there are only a few of us left."

Well, and so it goes. But the grand finale will come and the finishing touches to Humphreys' greatness be made, when J. O. Carter, the conceit of whose life is that he is more fearless, incorruptible and even-handed than other men, asks Alkalai Abe why those licenses were issued and whether the examinations were conducted in French or in the tongue strictly forbidden in his court. When that day comes will Joe and Abe still whisper together as of yore, or will it be a case of catch-as-catch-can? Wait and see what the game of the Puritan and the blackleg played to a finish.

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you full particulars.

**Catarrh**

The cause exists in the blood, in what causes inflammation of the mucous membrane.

It is therefore impossible to cure the disease by local applications.

It is positively dangerous to neglect it, because it always affects the stomach and deranges the general health, and is likely to develop into consumption.

Many have been radically and permanently cured by Hood's Sarsaparilla. It cleanses the blood and has a peculiar alternative and tonic effect. Dr. Long, California Junction, Iowa, writes: "I had catarrh three years, lost my appetite and could not sleep. My head pained me and I felt bad all over. I took Hood's Sarsaparilla and now have a good appetite, sleep well, and have no symptoms of catarrh."

**Hood's Sarsaparilla**

Promises to cure and keeps the promise. It is better not to put off treatment—buy Hood's today.

**HONOLULU STOCK EXCHANGE.**

## PROF. STUBBS ON LABOR QUESTION.

(Continued from Page 1.)

ships. Here the British Government intervened by the appointment of agents at the ports of departure to see that no laborer was taken away without his full consent.

These abuses gave birth to the coolie laws of the United States, and simultaneously in Hawaii a bureau of immigration was established, taking the business of importing laborers from the hands of the planters and placing it under the charge of the Kingdom. The Hawaiian claim that no such iniquity as above mentioned ever disgraced the efforts of their planters in their work of importing laborers. The "coolie system" as known elsewhere never existed on the islands; the law between employer and employee known as the "master and servant law" was mild, equitable, and compulsory for the specific fulfillment of contracts.

In 1864 the board of immigration was established for the purpose of supervising the importation of foreign laborers and the introduction of immigrants. One of its first ordinances was to prohibit private persons from introducing laborers into the Kingdom under heavy penalty. Another was to adopt measures looking to the introduction of free immigrants, males and females, from the Azores, Canaries and Cape de Verde in the Atlantic, and from any of the Pacific Isles. Passages were to be paid by the Government and a bounty per head to the captain of the ship. Still another was the chartering of a ship to send to China to procure more Chinese laborers. The first ordinance gave great offense to the planters, but the board firmly adhered to it.

In 1865 Dr. Hillebrand was appointed commissioner to go abroad and study the possibilities of obtaining desirable immigrants from India, Japan and Malaya. In the meanwhile, to meet the present demands, he was first to visit China and forward a shipload or two of coolies to the islands. In December, 1865, the first installment of immigrants arrived from the Caroline Islands. The bureau sanctioned the contracts with the planters. Simultaneously a small number of Marquesans were introduced. Dr. Hillebrand simultaneously forwarded from Hongkong two shiploads of coolies. The planter acquired the needed laborer, but the people desired immigrants who would assimilate with them, infuse vigor into the impaired constitutions of the natives, check the decrease of the inhabitants of the Kingdom, and give strength to the national constitution.

King Kamehameha III saw with sorrow and alarm his people rapidly declining in numbers, and naturally sought some means of arresting this decay and permanently repeopling his dominions. To accomplish his purposes he authorized Mr. Wyllie to negotiate with the British Government with the view of obtaining consent to remove to the islands all of the inhabitants of Pitcairn's Island and settle them as proprietors or tenants on his own lands. The project unfortunately failed.

In the meanwhile other coolies were introduced.

In 1865 King Kamehameha IV, in his speech to the Legislature, said of the coolies: "They are not so kind and tractable as was anticipated, and they seem to have no affinities, attractions or tendencies to blend with this or any other race." He recommended trying "the inhabitants of other Polynesian groups; they would be easily acculturated; would soon learn the language, and might bring with them their wives, whose fecundity was much greater than that of the Halihi female; and besides furnishing the world with the way for a future colony of native-born Hawaiians independent from the aboriginal parents." But Mr. Wyllie, Minister of Foreign Affairs, was far ahead in such a project. He feared the numerical superiority of the aborigines over the whites, and did not believe they would devote themselves willingly to work, unless under contract under the Act for the government of "masters and servants," as was done with the Chinese.

Nothing came out of this controversy. Small imports of coolies continued. At first their labor was very unsatisfactory. Not understanding the language nor the character of the work required, friction between master and servant frequently occurred. But the laborers gradually improved.

In 1866 occurred the convention between China, England and France, at which the right to draw labor from Chinese ports was exclusively restricted to treaty powers. The Hawaiian Kingdom was not a treaty power, and therefore had to transact all future business under the protection of a foreign flag and through a foreign firm.

This restriction turned again the attention of the board to Polynesia, where settlers and not merely hands for the planters might be obtained, but upon further investigation the plan was abandoned.

In 1867 two eminent persons were sent on an expedition with two ships to visit the various Isles of the Pacific and Atlantic to secure if possible voluntary laborers for the Kingdom. One ship returned with a cargo from Caroline and Humphrey Islands, having visited many others without success.

These immigrants were cleanly, intelligent, docile, Christian, speaking a language similar to Hawaiian. The other ship brought a cargo from the Danger Islands. These were far from being satisfactory to their subsequent employers, many of whom were ultimately released and returned to their native islands.

Soon after these importations another controversy arose as to the class of future immigrants. Great dissatisfaction was felt by the King and council at the large number of Chinese already in the islands, since they desired immigrants more nearly related to the Hawaiians. An anti-coolie party, consisting chiefly of mechanics and tradesmen, strongly opposed the further introduction of Chinese by the sugar planters. Mass meetings were held, with verdicts against the Chinese and in favor of South Sea Islanders or other races ethnologically related. Efforts were made to secure immigrants from India, Japan and Malaya, and the Dutch and English East Indies. All proved abortive, after much discussion, diplomacy and a large expenditure of time and money, except with Japan. After much delay and long and specific contracts a shipload of Japanese reached the Islands in 1880. They made good laborers, and were themselves satisfied and satisfactory to the employers. But the Japanese Government became alarmed through false rumors of maltreatment of its subjects and sent commissioners to Hawaii to investigate their true conditions. To their surprise they found everything naturally pleasant and satisfactory to both Japanese and planters. While discussions were going on to the point relative to the advisability of importing Swedes and Portuguese, sever-

al more cargoes of Chinese were introduced by the planters. A new and untried system of co-operative labor was introduced by a small scale in 1870. Thirty white men from the States were carried over to labor on the plantations to receive as compensation one-half of the crop made. On account of drought, inexperience, etc., the co-operative experiment was far from being a decided success. The Hawaiian Immigration Society to promote immigration was next formed, but few fruits of its labors were apparent. In the meanwhile another importation of Chinese was made, soon to be followed by others; many of whom on arrival went into rice culture.

Again attention was directed to the Azores and the possibility of obtaining desirable immigrants therefrom. Italy was also considered as a source of supply of future laborers. But nothing tangible was accomplished. In July, 1876, the treaty of reciprocity between the Hawaiian Kingdom and the United States was ratified. It created great joy and much inspiration in every planter in the islands. Extensive improvements were undertaken at once and energetic efforts made to secure more laborers.

In 1878 the first batch of Portuguese from Madeira, secured after patient efforts, was landed in Honolulu, followed soon after by a cargo of South Sea Islanders, all of whom proved satisfactory to the planters. This arrival of Portuguese proving so desirable, negotiations were made at once to introduce them on a large scale. Accordingly many vessels soon after reached Honolulu, bringing exclusively cargoes of Portuguese from Madeira.

In 1881 two vessels filled with Norwegians arrived. But few of them were agriculturists and therefore were soon dissatisfied with life on plantations.

The propriety of introducing negroes from the Southern States was discussed by the board, with the result of a decided opposition to the scheme.

More cargoes of South Sea Islanders were introduced, followed soon after by several vessel loads of Germans. The islands were rapidly filling up with a desirable population. The Chinese and Japanese were for the time being neglected by the Government. Though neglected by the Government, the Chinese, however, came of their own accord in large numbers, until it was found necessary to restrict this immigration by a law.

In 1885, after a favorable treaty with Japan had been ratified, the introduction on a large scale of Japanese laborers under the contract system began, which continued up to the annexation of the islands to the United States.

Several large cargoes of Portuguese from the Madeira Islands were also landed in Honolulu during the year.

Since 1885 up to the time of annexation the introduction of Chinese, Japanese and Portuguese has been made to meet the wants of the islands. The Japanese and Portuguese have been brought in mainly on contract, and having completed the time of service required by the latter they have either renewed service or been returned to their homes. The Chinese have always come on their own accord.

In studying the history of immigration to the islands it is difficult to conceive of a country that the bureau of immigration and the planters have not considered as a source of supply of labor. They have repeatedly been disappointed, but they have persisted with a zeal and an energy worthy of the highest type of intelligence.

The following, furnished by Prof. W. D. Alexander, historian and surveyor-general of the islands, gives a summary of "immigration and population," which is reliable and instructive:

### IMMIGRATION AND POPULATION.

The pressing demand for labor, created by the reciprocity treaty, had led to great changes in the population of the Hawaiian Islands. It has been the policy of the Government to admit immigrants from widely different countries, not only as laborers, but also as prospective citizens.

In the year 1877 arrangements were made for the importation of Portuguese families from the Azores and Madeira, and during the next ten years about 7,000 of these people were brought to the islands. Others have since been added to their number, and their natural increase has been very rapid.

At the present time the total number of Portuguese in the islands, including those born there, is not far from 16,000. About 2,000 of them are employed in sugar plantations. They have shown themselves to be an industrious, thrifty, and law-abiding element in the population.

Persistent efforts have also been made to introduce Polynesian islanders, as bearing of a cognate race with the Hawaiians, but the results have been wholly unsatisfactory. About 2,000 of these people, mainly from the Gilbert Islands, were brought in at the expense of the Government, between 1878 and 1884, but they did not give satisfaction, either as laborers or as citizens, and most of them have since been returned to their homes.

There has never existed any treaty or labor convention between the Government of Hawaii and the Empire of China. In early days a limited number of Chinese settled in the islands, intermarried with the natives, and by their industry and economy were generally prosperous. About 750 of them were naturalized under the monarchy. The first importation of Chinese laborers into the country took place in 1862. In 1878 the number of Chinese had risen to 5,516. During the next few years there was a steady influx of Chinese free immigrants, which finally reached alarming proportions. In the spring of 1881 the Hawaiian Government was obliged to send a dispatch to the Governor of Hongkong to stop this invasion. Again, in April, 1882, it was suddenly renewed, and within twenty days five steamers arrived from Hongkong, bringing 3,253 Chinese passengers, followed the next month by 1,100 more, with the news that several thousand more were ready to embark. Accordingly, the Hawaiian Government sent another dispatch to the Governor of Hongkong refusing to admit any further immigration of male Chinese from that port.

Various regulations restricting Chinese immigration were enacted from time to time, until in 1884 the landing of any Chinese passenger without a passport was prohibited. The number of Chinese in the Islands had risen to 11,000, and in 1886 it is estimated to be about 15,000, of whom about 6,000 are employed on sugar plantations.

They have reclaimed many swamps for the cultivation of rice. Many of them are shopkeepers, market gardeners, laundrymen and fishermen. They have been truly described as industrious, persevering, frugal, peaceable, and law abiding. Their mercantile credit stands as high as that of any other nationality. The principal vices of their lower class are opium smoking and gambling. Nearly all of them have come from the Province of Kwangtung (Canton), being divided into two classes, speaking different dialects, known as the Punti and Hakkas tribes.

The census of the Japanese Govern-

ment to the emigration of its subjects to Hawaii was obtained with difficulty in 1884, and in 1885 a labor convention was ratified. Since then the increase of the Japanese element in the population has been constant and rapid. It rose from 116 in 1884 to 12,850 in 1889 and 24,600 in 1894. At the close of 1899 it is estimated to be about 58,000, of whom about 36,000 are employed in sugar plantations. They have for the most part been recruited from the lowest classes in Japan. Unlike the Chinese, they show no inclination to intermarry with the Hawaiians. They may fairly be characterized as versatile, ingenious, imitative, but clannish to an extreme, fickle and vain. In regard to labor unions and strikes they can give points to other nationalities. Crimes of violence are more frequent among them than among any other race in the islands.

The effect of annexation to the United States will be to put an end to all assisted immigration of whatever race, and to exclude all Chinese laborers. But under the recent treaty between the United States and Japan, there is nothing to limit the free immigration of Japanese, and several companies have been formed to promote it.

The excessive preponderance of males over females in Asiatic immigration constitutes a serious menace to the morals and health of the commonwealth. In 1886 the ratio of males to females was 8 to 1 among the Chinese, nearly 5 to 1 among the Japanese, 8 to 7 among the Portuguese and 8 to 5 among other whites, the proportion for all the inhabitants being 2 to 1.

The decrease of the aboriginal population has still continued, from 44,688 in 1878 to 40,014 in 1884, 34,436 in 1889 and 31,019 in 1894, the rate of decrease being about 1.6 per cent a year. At the same time the part Hawaiians, the offspring of intermarriages between Hawaiian women and men of other races, have been constantly increasing from 3,420 in 1878 to 4,218 in 1884, 6,188 in 1889, and 8,485 in 1894. All these facts point to the gradual extinction of the full-blooded Hawaiians, and the absorption of the remnant of the race, by the European and Asiatic population.

### THE LEGISLATURE.

(Continued from Page 1.)

ten minutes on the subject. I move the previous question," which carried up on the show of hands.

The president then put "Oily's" motion to reject the appointment of Dr. Garvin, and called for the show of hands on the question. The vote was a tie of seven to seven. The president then cast the deciding vote, and declared the appointment rejected.

Dr. Sloggett, E. A. Mott-Smith, Fred E. Smith and William Auld, the rest of the appointees, were approved without any objections.

Senator Carter pulled his thermometer out of a drawer in his desk and showed to "Oily," who immediately moved to adjourn, seconded by Kalauokalani. The thermometer referred to hovered around the nineties.

Senator Kanuha asked permission under the suspension of the rules to present the following resolution before the proposed adjournment was taken, which was granted:

Hon. S. E. Kalue, President of the Senate.

Dear Sir: Whereas, information has been received from reliable sources that there are other appointees of the Governor whose names were not submitted for the confirmation of this Senate;

Resolved: That the Governor is hereby requested to submit to this Senate all names of appointees, etc., that already submitted.

Senator of the Third District.

Amendment by Cecil Brown, carried:

That the Organic Act requires the Governor to submit to the Senate for confirmation."

The motion to adjourn was lost sight of in the shuffle which followed in the matter of presenting resolutions.

Senator Carter presented the following report from the Committee on Ways and Means, which was adopted:

To the President of the Senate: The Ways and Means Committee, to whom were referred items Nos. 154 and 155 of the Appropriation bill, relating to the Bureau of Conveyances, begs to report as follows:

Item 154: Your committee visited the Department, and was referred by it to the Treasurer, who offers the following as a substitute, being a reduction of \$1,240:

	Per Month.
One clerk at	\$100.00
One clerk at	75.00
Two clerks, each	50.00
Two clerks, each	40.00

Total . . . . . \$415.00

We therefore recommend Item 154 to read as follows: "Pay roll index, copyist and clerks, \$3,600."

Item 155: "Pay roll for revising indexes," the Treasurer states can be reduced to two clerks at \$50 per month, or \$1,200.

Your committee found that the index books up to the year 1876 are very much worn with time and use, and if these records are to be of any service to the public it is absolutely essential that they be revised. The larger force employed the quicker the work can be done, but as in so many other cases, the public will have to be patient until the revenues are increased.

DAVID KANUHA.  
G. R. CARTER.  
H. P. DALDWIN.

May 22, 1901.

Senator Paris presented the following report from the Committee on Public Lands on the pay of jailors, guards and lunas of prisoners, \$550,000 which was adopted on the motion of Senator Baldwin:

Hon. S. E. Kalue, President of the Senate.

Sir: Your Committee on Public Lands, to whom was referred Item in the Appropriation bill of \$55,000 for pay of "Jailors, guards and lunas of prisoners," would report as follows:

Your committee find that the present pay roll amounts to \$2,125 per month, divided as follows:

	Per Month.
Oahu . . . . .	\$1,255.00
Hawaii . . . . .	500.00
Maul . . . . .	300.00
Kauai . . . . .	300.00

making for the two years, \$5,125.

The pay varies from \$100 to \$300 per month.

In most of the outside districts they do general police duty when there are no prisoners.

Your committee have interviewed the High Sheriff, who says he intends to make the pay of this class of officers more uniform. He also says that as most of our jails are poorly constructed, that with the increasing class of tough characters, he needs efficient officers, and

should be left a margin for increase if necessary.

Your committee recommend that the item be changed to \$5,000.

J. D. PARIS.  
JOHN T. BROWN.  
L. NAKAPAAHU.

Cecil Brown, as chairman of the special committee having in charge the items referring to the pay of police in Hawaii, \$5,000; pay of Maui police, \$25,000; pay of Kauai police, \$25,000, presented the following report:

To the Honorable S. E. Kalue, President of the Senate.

Sir: The special committee to whom was referred the following items in the Appropriation bill: Pay of police in Hawaii, \$5,000; pay of Maui police, \$40,000; pay of police of Maui, \$40,000; pay of police of Kauai, \$35,000; beg leave to report as follows:

Your committee obtained from the Auditing Department a complete copy of the itemized pay roll for each of the above Islands for the month of April past, and also had the High Sheriff appear with the estimates made by him, and upon which estimates the figures submitted by the Governor and set forth in the Appropriation bill are based.

Upon examination of the itemized pay roll, it appears especially in the District of South Hill, Island of Hawaii and in Waipahu, Island of Maui, that the pay of the police officers is not at all uniform.

The committee recommends to the High Sheriff that he instruct the sheriffs of each Island to make the pay of the police as uniform as possible, taking into consideration the services required and the cost of living in each particular district.

This committee from the information obtained by them cannot approve of the pay roll for the District of South Hill.

Among the items is pay of a humane officer as well as a health officer, as also that of a night patrol. The pay roll for

the month of April also showed that there were in addition to the regular force of twenty-four members, sixteen special policemen in that district who were receiving salaries ranging from \$3 to \$75 a month. The pay of a humane and health officer or a night patrol, especially the latter, where the police are on duty during the night, we believe should not be paid by the Police Department.

High Sheriff's estimates show that

# TO ATTRACT TOURISTS

## Fine Illustrated Lecture for Buffalo.

J. H. Townsend, at present a member of the California Colony at Wahiawa, has a project for a lecture, illustrated with stereopticon views of Hawaii, to be delivered at the Buffalo and possibly at the Charleston exhibitions this winter.

Mr. Townsend has toured the Western Coast with a series of stereopticon slides illustrating these Islands, for several months, calling his lecture an "Excursion to Hawaii."

The pictures, consisting of 120 views, were especially selected by him and prepared by Photographer Williams to represent the Islands as they were in 1885.

Mr. Townsend's method with his audiences was to start with a map of the Islands, thrown upon a twelve-foot screen, followed by the steamer Australia, on board of which the listeners were supposed to take their berths for the Hawaiian excursion. Then came the first view of the Islands, the harbor and the diving boys. The party were, in their imagination, escorted up Fort street to the Hawaiian Hotel, to the principal buildings, through the Chinese and Japanese sections and out to Waikiki, winding up at the new destroyed Arlington Hotel. A second evening was taken up with views of the other Islands of the group, and devoted to the products, cultivated and natural, including several aspects of the Volcano. The lecture proper consisted of a running commentary of the pictures as they appeared upon the screen, with a brief description of ancient manners and customs and a slight sketch of the important men and families shown.

It is Mr. Townsend's intention, in response to several suggestions that have appeared in the papers or been made to him personally, to add about fifty more views to his collection, thus showing Hawaii from an up-to-date standpoint, with the particular purpose of showing the great strides made commercially and otherwise since annexation. The lecture of course will be also altered. An example, a beautifully colored picture of the old "Arlington" would be shown with immediately following it a view of the big foundation scheme of the Young Hotel, as it now stands. Most of the pictures are colored and will be magnified on the screen to a dimension of twelve square feet, figures standing ten feet high before the audience. It is also his intention to secure appropriate records to be given from a gramophone of powerful dimensions. With Governor Dole's portrait, for example, the lecturer's brief biography will be supplemented by a reproduction of the Governor's own tones, while Captain Berger will be asked to contribute orchestral and vocal selections of Hawaiian airs by his musicians and singers.

Mr. Townsend has his stereopticon, the latest instrument in the market, with him and, if successful in his present scheme, will exhibit his complete lecture before leaving. Satisfactory results are, however, only attained by the use of the calcium light, which is not at present attainable on the Islands.

Professors Wood and Townsend of this City are interested in the carrying out of the idea and the Chamber of Commerce will also be seen with regard to furnishing the necessary authority and backing to make the exhibit a success. The House Committee on Education will be interviewed on the matter of a sufficient appropriation, and a picture of the interior of both Upper and Lower Houses will be, if possible, secured, and should prove an interesting feature.

As an accessory to the educational exhibit in charge of Miss Davison, and as an offset to the false ideas of Hawaiian culture and progress now being disseminated by the Hawaiian Village in Buffalo, a lecture, approved by the Chamber of Commerce and a series of well-selected and typical views of the Islands as they are today is a project that should be looked into and one that would undoubtedly prove a strong educator of the advantages of Hawaii nei. In connection with the crowds of tourists expected at Charleston, there could be no clearer or more satisfactory way of bringing the beauties of the Hawaiian Islands before the class from whom the most benefit could be expected.

## THE LEGISLATURE.

(From Wednesday's daily.)

There was no morning session in the Senate yesterday. A recess was taken until 2 p.m., as Senator Cecil Brown had to appear in court, and Senators Kaiue and Kalauokalani were called before the grand jury.

The Senate convened at 2:15 o'clock for the session, and the first business was reports of standing committees.

Senator Russel presented a verbal report from the Committee on Public Health, in regard to the pay of veterinary surgeon and his duties. The committee recommended the item be stricken out and transferred to the Board of Health.

Senator Brown moved the report be adopted, which was carried upon the show of hands.

Senator Paris as chairman of the Committee on Public Lands, having in charge the item of \$7,000 as salaries of guards for public buildings presented the following report which was adopted:

Hon. S. E. Kaiue, President of the Senate.

Sir: Your Committee on Public Lands to whom was referred item of \$7,000 in Appropriation bill for guards of public buildings, would report as follows:

Your committee finds that this item provides for six guards for the Executive and Supreme Court buildings, divided in two watches, at the pay of \$60 per month each. That heretofore these guards have been paid out of the appropriation for military and have been under that department. It is now proposed to put them under the police department.

Your committee considers, as there is always considerable coin in the Executive building and in the Supreme Court building valuable records without proper

vaults for their safekeeping, it is necessary that there should be reliable guards. We would therefore recommend that the item pass as in the bill.

J. D. PARIS  
JOHN T. RROWN.  
L. NAKAPAAHU.

No further committee report being made, the Senators settled down to renew their attack on the Appropriation bill.

At this juncture "Oily Bill" White began to get a "hump" on himself. Picking up his hat and gathering in some papers and documents lying on his desk, he jumped to his feet and moved to adjourn, giving as his reason, committee work. No attention was paid to his motion by the president, so "Oily Bill" left the Senate chamber in disgust, remarking in an undertone that they were a lot of "asses."

The back salary of the Superintendent of Public Instruction, from June 14, 1900, to July 1, 1901, amounting to \$4,125.00, was the first item considered. Upon Senator Baldwin's motion, the item was referred to the Committee on Public Health and Education.

The salary of four normal inspectors at \$6,000 each, \$24,000, was the next item considered. Senator Russel moved there be one inspector added to the item, making five in all. The reason for this motion he explained, was that the Island of Hawaii was in need of two inspectors, as one inspector could not handle the office, nor cover the ground thoroughly. He suggested the item referring to school agents be abolished, and the additional inspector put in their place, saying there would be no necessity for school agents as long as inspectors were employed.

Senator Paris objected against this proposition to do away with the school agents, as they were very useful, and the people could not very well get along without them, and as far as the additional inspector was concerned, the Island of Hawaii did not need two inspectors.

J. T. Brown objected to having any inspectors at all, and did not see the need of them, but if it was a necessity, he favored Dr. Russel's suggestion.

Senator Baldwin then moved to refer the item to the Committee on Public Health and Education, which carried.

The salary of Secretary, \$4,200, was the next item. Senator Baldwin moved to reduce it to \$3,600, which was seconded by Cecil Brown. Upon the show of hands the motion carried.

The salary of assistant secretary and school agent, \$3,600, was on Cecil Brown's motion reduced to \$3,000. The salary of book clerk and stenographer, \$1,800, passed as in the bill.

The pay roll for the support of schools, \$600,000, was the next item to be considered.

Senator Russel, in a long speech, made a strong plea in favor of passing the item, contending this item should not be cut down, as it was for the welfare of the public.

Senator Crabbe supported Russel in his statements.

Senator Brown moved the item be referred to some committee.

Senator C. Brown did not believe in making any reductions in anything pertaining to education, which brought forth a hearty "kokua" from "Oily Bill," who had returned.

Senator Achil said according to the department's estimates, \$52,000 was enough. He suggested the item be placed at \$50,000, the department would then have a surplus of \$18,000 to work on. He said he would vote for \$50,000, but not for the amount in the bill.

Senator White favored the item as in the bill.

Senator Paris then moved to refer the item to the Committee on Education, which carried, as did a motion to so refer salary of school agents, \$4,500.

Under the head of estimated expenses of carrying on industrial and reform schools for the two years ending December 31, 1902, the following items were referred to the Committee on Public Health and Education: Salary of superintendent of boys' school, \$3,600, salary of matron girls' school, \$3,000, salary of teacher boys' school, \$2,400, salary of teacher girls' school, \$1,800, and pay of guards, both schools, \$3,600.

The salary of Commissioner of Public Lands, \$7,200, was reduced to \$7,000. Salary of secretary and sub-agent, Fifth Land District, \$4,200, passed as in the bill.

The salary of clerk, \$2,400, and salary of patent clerk, \$1,800, were on Senator Russel's motion combined, and called the salary of first assistant and patent clerk, \$3,000.

The salary of assistant clerk, \$1,200, and salary of messenger, \$1,200, were on Senator Russel's motion combined, and made salary of assistant clerk and messenger \$1,800.

Pay of sub-agent, First Land District, \$3,000 was on Kalauokalani's motion, combined with pay of ranger, First Land District \$1,200, at a salary of \$1,800.

Pay of clerk, First Land District, \$1,200, and pay of sub-agent Second Land District \$1,200 passed as in bill.

The following items passed without objections, as in the bill. Salary of agent, Third Land District \$1,600, pay of sub-agent, Fourth Land District, \$1,200, pay of sub-agent, Sixth Land District \$720 pay of ranger, Second Land District \$720 pay of ranger, Third Land District, \$720 pay of ranger, Fourth Land District, \$720 pay of ranger Fifth Land District, \$720 pay of ranger Sixth Land District \$720.

On Senator Baldwin's motion an adjournment was taken at 4 p.m.

### CRY REMARKABLE REMEDY.

"With a good deal of pleasure and satisfaction that I recommend Charles' Colic, Cholera and Diarrhea Remedy," says Druggist A. W. Santini, of Hartford, Conn. "A lady customer seeing the remedy exposed for sale in my showcase, said to me: 'I really believe that medicine saved my life the past summer while at the shore, and she became so enthusiastic over its merits that I at once made up my mind to recommend it in the future. Recently a gentleman came into my store so overcome with colic pains that he sank at once to the floor. I gave him a dose of this remedy which helped him. I repeated the dose and in fifteen minutes he left my store smiling,' informing me that he felt as well as ever. Sold by all dealers and druggists." — Benson, Smith & Co., Ltd.

## ECONOMIC VALUE OF THE SCHOOLS

Editor Advertiser: In two issues of the Advertiser, one on Friday last and the other on Monday, there were some comments and queries as to the advisability of making preparation for the education of Porto Rican children now coming here, and inference to provide for all children of those parents who work as common laborers in the cane fields.

These queries and inferences seemed to put the question upon mere economic grounds. I do not regard those grounds from the highest standpoint in regard to the education of youth; however, I shall confine my remarks to the mere question of the education of man as an economic animal or, perhaps better, as an economic machine. Taking this lower view of the matter, I think it can be shown from different nations and peoples that those nations who have earliest made provision for the education of all youth are decidedly superior in the production of wealth and economic well-being to those who have not made such provisions.

Prussia was the first State in Europe that made ample provision for the education of all her youth irrespective of condition. She was soon thereafter the chief State of Germany in economic well-being, in the exploitation of her resources, in science and in all lines of human effort. Compare the economic condition of Germany, Switzerland, Holland, the Netherlands, Norway and Sweden, England and France, who made provision for the education of all youth, with Spain, Portugal, Italy and Russia in the production of mere wealth and with all those things which wealth produces—a mere comparison is sufficient.

These facts, so well known to all, are not merely academic but are well-known historical phenomena.

Coming to the United States, Massachusetts and her influence, with her excellent public school system, may be contrasted with Virginia—two States that began their career at nearly the same time under similar political conditions.

Virginia had every natural resource: Massachusetts a bad climate and niggard soil.

It may be asserted with little difference of opinion that the early provision for the education of all her children has made Massachusetts, under adverse natural conditions, the leading wealth-producing State of America. As she produced wealth, larger provisions were made for the careful training of her youth in the highest scholarship and in the most excellent technical training.

In all those States in which her influence has been felt merely in the production of wealth, they have gone far ahead of those States in which the Virginian influence has been predominant.

The salary of book clerk and stenographer, \$1,800, passed as in the bill.

The pay roll for the support of schools, \$600,000, was the next item to be considered.

Senator Russel, in a long speech, made a strong plea in favor of passing the item, contending this item should not be cut down, as it was for the welfare of the public.

Senator Crabbe supported Russel in his statements.

Senator Brown moved the item be referred to some committee.

Senator C. Brown did not believe in making any reductions in anything pertaining to education, which brought forth a hearty "kokua" from "Oily Bill," who had returned.

Senator Achil said according to the department's estimates, \$52,000 was enough. He suggested the item be placed at \$50,000, the department would then have a surplus of \$18,000 to work on.

He said he would vote for \$50,000, but not for the amount in the bill.

Senator White favored the item as in the bill.

Senator Paris then moved to refer the item to the Committee on Education, which carried, as did a motion to so refer salary of school agents, \$4,500.

Under the head of estimated expenses of carrying on industrial and reform schools for the two years ending December 31, 1902, the following items were referred to the Committee on Public Health and Education: Salary of superintendent of boys' school, \$3,600, salary of matron girls' school, \$3,000, salary of teacher boys' school, \$2,400, salary of teacher girls' school, \$1,800, and pay of guards, both schools, \$3,600.

The salary of Commissioner of Public Lands, \$7,200, was reduced to \$7,000. Salary of secretary and sub-agent, Fifth Land District, \$4,200, passed as in the bill.

The salary of clerk, \$2,400, and salary of patent clerk, \$1,800, were on Senator Russel's motion combined, and called the salary of first assistant and patent clerk, \$3,000.

The salary of assistant clerk, \$1,200, and salary of messenger, \$1,200, were on Senator Russel's motion combined, and made salary of assistant clerk and messenger \$1,800.

Pay of sub-agent, First Land District, \$3,000 was on Kalauokalani's motion, combined with pay of ranger, First Land District \$1,200, at a salary of \$1,800.

Pay of clerk, First Land District, \$1,200, and pay of sub-agent Second Land District \$1,200 passed as in bill.

The following items passed without objections, as in the bill. Salary of agent, Third Land District \$1,600, pay of sub-agent, Fourth Land District, \$1,200, pay of sub-agent, Sixth Land District \$720 pay of ranger, Second Land District \$720 pay of ranger Fifth Land District, \$720 pay of ranger Sixth Land District \$720.

On Senator Baldwin's motion an adjournment was taken at 4 p.m.

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### SENATOR HANNA—ELEVATORS

"Whew!" exclaimed Senator Hanna on Saturday, as puffing and blowing he reached the top of the well-worn White House stairs. "Hanna," said a friend who was with him, "why don't you get the President to put an elevator in this building?" "Well," said Senator Hanna, laughing, "I suggested it to the President, but he remarked that he noticed that I got here just the same." — Albany Argus.

## NEWS NOTES OF ISLE OF MAUI

The Return of Charles Lennox—Japanese Beetles Working—Personal Notes.

Following are extracts from the Maui News:

Charles Lennox of Kahului returned to Honolulu on the Sierra, and to Kahului on the Claudine this week, making the entire distance from San Francisco to Kahului inside of six days.

Mr. Lennox visited Victoria, Tacoma, Seattle, Portland and San Francisco, and reports that times are very prosperous in all the cities which he visited, but that Seattle, where he remained longest, bids fair in the future to become a formidable rival of San Francisco.

Eastern and European manufacturers are looking for openings on the Pacific Coast, and the indications are that the bulk of the manufacturing interests of the United States will soon shift to the coast to meet Oriental trade. Seattle and Tacoma at present have the advantage in the matter of establishing manufacturers, but if the promise of large oil developments in California are realized, thus giving California a cheap and abundant supply of fuel for manufacturing purposes, many new manufactures will be established in San Francisco.

A labor strike on a gigantic scale was developing in San Francisco at the time of the Sierra sailed, but by mutual consent was put off till after the visit of President McKinley. Then trouble is expected.

### MISCELLANEOUS.

Attorney George Hons returned from Honolulu on Tuesday night's Mauna Loa.

United States District Attorney Baird of Honolulu came over on Thursday's Claudine, and is a guest of the Maui Hotel.

Manager W. E. Bellina of the Kahului ranch is enjoying the hospitality of Manager Field of the "Maui" for a few days.

Frank Summerfield, formerly a luna at Walluku plantation, has returned to Walluku, and as his former services were very much appreciated, he will probably be offered another position here.

P. H. Burnette, secretary of the Hawaiian Realty and Mortuary Company of Honolulu, is visiting Maui this week, accompanied by his wife, partly to enjoy the varied beauties of Maui scenery, and partly to do a little business for his company.

Japanese beetles are becoming very destructive in Makawao, attacking even the fruit trees, and egrets are being made to procure inoculated earth from Honolulu in order to combat them. It will take a combined effort of the residents of Makawao to properly spread the beetle-destroying fungus.

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Paint Brushes of all Kinds at Greatly Reduced Prices.

### AGUINALDO COMING.

Pretty Positive Assurances That He Will Be on the Oregon.

Aguinaldo is coming to Honolulu. He

# A FEDERAL DECISION

## In Favor of Libellant With \$750 Damages.

The salvage case of Robert R. Hind vs. brigantine Consuelo, was decided in favor of the libellant yesterday, with judgment in the sum of \$750. Paul Neumann for libellant, and Robertson & Wilder for defendant.

The decision reads as follows:

This is a libel for salvage brought by Robert R. Hind, libellant, owner of the steamer Upolu, whereof Frank Dalton is master. It is brought for himself as well as for the master and crew of the steamer Upolu, against the brigantine Consuelo, her tackle, apparel, furniture, boats and appurtenances, whereof one A. G. Page is master, and against all persons intervening for their interests therein. Libellant asks salvage in the sum of \$3,000. E. A. Fraser answers the said libel, intervening on behalf of himself, C. A. Nelson and J. Renton, as co-owners of the said Consuelo.

The matter was referred to W. J. Robinson, as special referee to take testimony and report the same to this court. Salvage, is defined to be services rendered in the rescue or relief of property at sea in imminent peril of loss or destruction.

A salvor is one who without any particular relation to a vessel in distress proffers useful service and gives it as a voluntary adventurer. He may act with or without request.

No assistance needed and rendered is in the nature of salvage services.

The facts appear to be these: That the Consuelo, a sailing vessel, Captain A. G. Page commanding, was on a trip from San Francisco to Mahukona, on the Island of Hawaii. She reached that roadstead of Mahukona about October 25th, 1900, but owing to the fact that other vessels were lying in could not get a mooring until the evening of the 14th of November, when at about 10 o'clock of that night she was moored about a quarter of a mile from the shore.

That during the night the wind blew heavily from the southwest toward the land, the barometer fell, and a storm, known as a "Kona," common to these Islands, prevailed during the entire night. That about 2 o'clock in the morning Mr. Fraser, one of the owners of the Consuelo, and consignee of her cargo, being on the shore, arose and aroused some of his men and ordered them to go out and go aboard of the Consuelo and find out if she needed anything. That they did so, and reported to the captain of the Consuelo, who, with his mate, steward and crew, including every man aboard of the Consuelo, left the ship and went ashore in the boat with the natives sent out by Mr. Fraser, leaving the Consuelo entirely alone.

There is some conflict as to how long they stayed ashore, but it is in evidence that the captain with his officers and men remained ashore from a little after 4 o'clock until after 4, when the captain returned alone with the native crew, who he claimed to have obtained on shore in the same boat. It is not contended that some life preservers were taken in the open boat when it left the Consuelo first, thus tending to show that the officers and men of the Consuelo thought there might be need of them, and that the mate and one of the crew took bundles with them to the shore, probably their clothes. It does not appear that the captain ordered his men to remain on the vessel or that he desired to remain on her himself. No explanation is offered by either the captain or anyone else for the conduct of the crew in leaving; there is no testimony as to a mutiny or any dissatisfaction among the men aboard of her. The captain, saying in explanation only, "I couldn't prevent it; they would go. They got in the shore boat and I went in order to get another crew for the vessel." But when ready to sail his old crew went with him on board his ship.

It was certainly most extraordinary conduct on the part of the officers and men of the vessel to desert the ship without cause, and especially as not one of them officers or men, with the exception of the captain and the cook, were called as witnesses to explain this proceeding. It would appear that the action of the crew in deserting the vessel in this manner in company with the captain must have been due to some cause which they now do not admit, and from an examination of all the testimony in relation to the storm that was prevailing, and the position of the Consuelo, the Court must assume that it was fear of the danger in which the vessel was then in that induced this wholesale desertion. This seems to be more apparent from the testimony of the witnesses for the libellant to the effect that when the Upolu hove in sight, the recreant crew consented to go back at once upon the vessel.

It further appears that Mr. Fraser, one of the owners and the consignee of the Consuelo, and intervenor herein, telephoned to Mr. Hind, the owner of the Upolu, then lying at Alasale, some twelve or fifteen miles from Mahukona, to send the Upolu. There seems to be some disagreement between Mr. Fraser and Mr. Hind, as to what the object was in having the Upolu sent around to Mahukona.

Mr. Fraser testified he telephoned to Mr. Hind and asked him where the Upolu was. "I told him," says Mr. Fraser, "that the Consuelo was lying in port with a southerly wind and that there was a possibility that the captain might want to tow out, and I asked him to send the Upolu down and lie there; and in case the captain wanted a tow he could give him the tow."

While Mr. Hind testified, "He (Mr. Fraser) telephoned to me to send the Upolu around to Mahukona to tow the Consuelo out of port, which she afterwards did. . . . said I would go down and find the boat and be said, 'I would, as the Consuelo has a very valuable cargo and we hate to lose it.'"

There does not seem to the Court to have been but one object in getting the Upolu at Mahukona, and that was to assist the Consuelo out to sea because of the very serious gale that was then blowing in the port of Mahukona, and the threatening danger to the Consuelo if she remained there. At any rate the Upolu left Alasale about 7 o'clock a.m. and reached Mahukona about 9 o'clock or a little after. When she reached there she blew her whistle two separate

times, but received no response from the Consuelo and no one appeared upon the deck of that vessel; no one was aboard of her; and as the Upolu was in danger of being entangled in the buoys, the Upolu was about to turn around and go back when her captain saw a boat leave the shore with some men in her. The testimony of the captain of the Consuelo at this point is of interest. He says: "I thought it was strange to see the Upolu coming along at that time, and I asked one of the native crew where the Upolu was going. He said, 'I think she is going to tow you out';" and so said the captain of the Consuelo, "We all went ashore again so that we could pick up my crew and get them back aboard, which I did. When I went ashore I asked Mr. Frazer if he had made any agreement with the Upolu to tow me out. This was before the Upolu got there, although in sight. He said no, and I asked him if I would make any agreement. He said, 'No; leave that to us.'"

The captain further testifies: "I went back, put my crew aboard of the Consuelo, and I then spoke the captain of the Upolu, and I asked him if he could tow us out, and he said he could if I set my fore and aft sails, my lower topsails and staysails when we got started. That was all the conversation. I did not make any arrangement with him to do this because I supposed the owners, Mr. Frazer and Mr. Renton, took the matter out of my hands and ordered the boat unbeknown to me."

This seems hardly credible that the captain of the Consuelo was unaware of the ordering of the Upolu to Mahukona in view of the fact that Captain Page was ashore when Mr. Frazer was telephoning to Mr. Hind early in the morning and that a storm was then prevailing.

It seems that the captain of the Consuelo and his crew assisted in getting a line on board of the Upolu and she towed the Consuelo out to sea, the actual time consumed in this towage being some three-quarters of an hour, although some of the witnesses for libellant testified that it took but fifteen minutes.

There is some conflict in the testimony as to whether there was any danger to the Consuelo at the time the services were rendered by the Upolu; and whether, if so, the danger was such as to entitle the Upolu to salvage compensation. It is clear to the Court, from the testimony of the Upolu, that she was lying and that her captain and the owners of the vessel thought she was in danger, and that all parties, including the sailors, were conscious of it. Else why did the captain and crew leave the ship? The sailors did not go back to the ship until after the Upolu was sighted, as appears from the evidence of both the captain and the cook of the Consuelo. If the Consuelo were not in danger, why did Mr. Fraser, the owner or co-owner of the vessel, early on the morning of the 15th of November, telephone to the owner of the Upolu to have her sent around to the port of Mahukona, and why were Mr. Frazer and his men up at 2 o'clock in the morning, the latter going out to the Consuelo "to see if she wanted anything," and then returning to the shore with all her officers and men aboard, leaving the ship entirely alone?

If it had been possible for the captain of the Consuelo to have set sail and gone out of the port safely, without the assistance of the Upolu, as he now testifies, why did he not do this and not abandon his ship in the first place, and then returning ask the captain of the Upolu "Can you tow us out?" And why, after being towed out, did he remain away from the port of Mahukona until the weather moderated and was again fair? If the place was safe and the weather such as to permit him to remain there, why did he not do so?

The real facts are there was a severe south wind blowing and the Consuelo was in danger of slipping her moorings, going upon the shore or being swamped in the sea. This must have been the fear that took possession of the captain and the crew when they deserted the ship. It is the common instinct of the captain of a ship to remain on her deck, and no rational explanation has been given of this desertion of the vessel. It is clear to the Court that the services of the Upolu were necessary in order to take the Consuelo out to sea, as appears especially from the testimony of Captain Campbell, a witness for the libellant, and a man of large experience in these waters, who, when asked whether a vessel could sail out from this particular spot moored as was the Consuelo and the wind blowing as it was blowing on that morning, testified: "She might possibly if there was not a very heavy sea on; she would have what they call a 'nip and tuck' to get out."

It is clear to the Court that the case is one where salvage compensation should be awarded. This seems to be admitted by libellant, who tendered to libellant \$100 when the regular towage rate as testified to is \$40. In this case the services of the Upolu were not only requested by the owner but were of value in saving the Consuelo, which vessel was valued at about \$4,000 and her cargo at about the same amount.

The fact that the Consuelo suffered no damage is not material. If she were in danger of loss or deterioration or damage at the time the services were rendered, then it is a case for salvage. Yet the services of the Upolu were not of such character as to entitle her to large compensation, although her position among the lines of the Consuelo placed her in danger of having her propeller caught and being cast ashore. In a sea of the character described and storm of the nature testified to, this danger was enhanced. The Court, in view of all the circumstances, is of the opinion that the Upolu is entitled to salvage and fixes the amount at the sum of \$150, to be distributed as follows:

To Captain Frank Dalton, captain of the Upolu, \$60; to A. Gomes, chief enginner thereof, and to James Davis, assistant engineer, \$25 each; to the five sailors constituting the crew and cook, \$50, being \$10 each; and the balance of \$600 to the libellant, Robert R. Hind, with costs. Let Judgment be entered accordingly.

ESTEE, Judge.

May 22, 1901.

Irresponsible Government.

There is no question but that the majority of the more intelligent class of people on the islands would favor county and municipal government on strictly American plans, if there were any assurance that the best men would be selected for office-holders. But if some of the Home Rulers now performing in the Legislature are a fair sample of what the result of county election would be, it is no wonder that conservative people, who only desire the welfare of the islands, naturally shrink from trusting the interests of the people in such irresponsible hands.—Maui News.

Liberality consists rather in giving sensibly than much—Prayer.

## MAUI EDITOR SEES THINGS

Three years ago Honolulu was a chrysalis; today it is a butterfly. This is a trite metaphor, but it fails short of describing the metamorphosis which has taken place. The Judd building was the only indication in '98 of the era of building which was to begin in Honolulu. Today Honolulu is a rustling little metropolis with dozens of large, substantial business blocks in course of erection. At present the principal business houses cluster on Fort street, which is narrow, crooked and altogether unfit for a business street. Rents are exorbitantly high and it is a safe prediction that in a few years keen competition which will demand lower rents will cause an exodus from Fort street to Alakea or some of the wider streets where rents are cheaper, and the business of the town will shift from Fort street, just as in San Francisco it once shifted from Kearney and Montgomery streets to cheaper localities on Market street, and for the same reason is again shifting from Market street to the side street toward the western addition.

While there is no line of business in Honolulu which at present can be fairly said to be overdone, still competition is beginning to make itself keenly felt,

and the time is surely coming when the "survival of the fittest" will prevail.

An hour spent in the Senate chamber gives one who is familiar with such matters a very clear conception of the real trouble which the present Legislature has had to encounter, and it is a solemn truth that there is more need for pity than blame. The Home Rulers are trying to do their duty and their earnest but fruitless efforts are pathetic almost to tears. The truth is that they do not know either who or how to do, and it is unfortunate for them and for the people of the Islands they were elected. On Monday, the Appropriation bill was under consideration, item by item, and the ignorance which was displayed by the members as to the actual needs of the different departments was refreshing. This is not surprising, and could be easily overcome, if practical methods of getting at the truth were adopted. If the Senate would resolve itself into a practical, businesslike body, and appoint a committee of three or five members, say, for instance, Baldwin, Kalanakalani and Crabbe, and instruct them to summon expert witnesses and report back at once to the Senate, the actual needs of each department, inside of two weeks a fair and proper appropriation would be ready for the Governor's signature. A few questions could be reserved, if necessary, for discussion by the Senate as a body, not necessarily, but merely to give the inveterate talkers something to wag their jaws about.

Last week and the early part of this

saw a number of prominent Maules in Honolulu, notably Attorney George Hons, Mr. J. Kirkland of the Kahului store, Judge Kepokula, Attorney John Richardson of Lahaina, W. G. Taylor, auditor of Alexander & Baldwin, A. Omsted of Hana and Manager Gjerdrum of the Hana plantation. By the way, Honolulu is full of ex-Maules and of course they form a very desirable and altogether delightful class of metropolitans.

The hotels of Honolulu are all full, and more coming all the time. The Hawaiian is pre-eminently the business men's hotel, and you meet everybody worth knowing at the Hawaiian.

Recently Manager Allen designed a lovely crest for the hotel, and had a large

design of it erected over the entrance. The

design is copied in part from the shield on the Hawaiian half-dollar.

This design in maximum size (twelve feet over all), and circular in shape, is wrought in colored glass, illuminated from the interior by electric lights. Above and on either side of the shield are the initials of the hotel, and underneath this the word "ALOHA."

Three systems of lights are attached, one of which lights the interior, one the initials and lettering and one the outer circumference.

The whole design is marvelously unique and beautiful, and it is singular that it has not attracted more notice from the Honolulu press, being merely alluded to by some of them recently as a "transparency."—Maui News.

## WAIOHINU HAS PRETTY TABLEAUX

The rural quiet of the lovely hill-bound village of Waiohunu was disturbed in a most agreeable manner on Saturday evening, May 18th. The treasury of the Kaauahao Church presided over by the Rev. James Kauinae seemed to have caught the same complaint as the treasury of Hawaii, and without resorting to an expensive legislative experiment the members of the church very properly decided to sit down on the state of affairs in a most effective manner.

By the determined efforts of W. K. Makakoa, assisted by W. M. Kaahane on behalf of the male members, and Miss E. Kaahane, at the head of the female members, an entertainment was decided on, and a tableau taken from that very pretty Hawaiian legend of Kaala, was effectively presented with all the necessary scenic effects. Mrs. E. K. Pinso made a charming princess, and young Kalinoa, a village boy, made a veritable Hawaiian chieftain, and so forcibly did he tell the old, old story, that he could not fail winning his lady love and carried her off in his canoe amid the applause of a large and appreciative audience. The net result was \$120 added to the treasury, very much to the satisfaction of all concerned.

To Captain Frank Dalton, captain of the Upolu, \$60; to A. Gomes, chief enginner thereof, and to James Davis, assistant engineer, \$25 each; to the five sailors constituting the crew and cook, \$50, being \$10 each; and the balance of \$600 to the libellant, Robert R. Hind, with costs.

Let Judgment be entered accordingly.

W. F. R.

FOUR TRUE BILLS.

One Arrest Made on Beach Warrant.

Three no Bills.

May 22, 1901.

Irresponsible Government.

There is no question but that the majority of the more intelligent class of people on the islands would favor county and municipal government on strictly American plans, if there were any assurance that the best men would be selected for office-holders. But if some of the Home Rulers now performing in the Legislature are a fair sample of what the result of county election would be, it is no wonder that conservative people, who only desire the welfare of the islands, naturally shrink from trusting the interests of the people in such irresponsible hands.—Maui News.

Liberality consists rather in giving sensibly than much—Prayer.

With heavy soles are just the right

kind for rainy weather wear. You

may pick from box calf or Russia calf

shoes. These are in blacks and russets.

The shape is that full generous

winter last which is protective as well

as pleasing. We have all sizes and all

widths.

## ATHLETICS ON MAUI BOOMING

Maui has entered into the spirit of athletics with a vim and intends to give the Honolulu teams a close rub for honors. Most of the young men of Walluku, including Makawao, Laie, Kula, Uluapalakua and Kahului, have banded themselves together under the cognomen of the Maui Athletic Association, and within a few weeks will be ready to challenge for a baseball match.

C. B. Wells, manager of Walluku plantation, has given the association a six-acre tract of land in Walluku, just below Judge Kauinae's premises, which is to be laid out for baseball, tennis, polo and football. The work of transforming the cane field into an athletic park was begun last Friday, under the direction of W. H. Cornwell Jr.

The ground is being plowed up,

and will be harrowed until it is perfectly level. In time a fence will enclose the field, and it will be made one of the chief attractions of Walluku.

Turf will be planted, so that in

time the football season opens up, the ground will be in fit condition for the roughest playing. The association will

make a strong pull to bring some of the Honolulu teams over, and will return the favor in kind.

The subscription lists are being cir-

culated in the districts named, and those having the matter in hand are meeting with deserved success. Secre-

tary Schrader has secured the names of thirty-five Wallukans, and lists are already in circulation in Kahului and Makawao.

The officers of the association are

men of energy, and Maui will be as-

sured of a successful season of athlet-

ics under their direction. The officers

elected are:

L. M. Baldwin, president; Rev. W.

Ault, vice president; G. B. Schrader,

secretary; G. B. Robertson, treasurer.

Board of directors: W. H. Cornwell

Jr., chairman; Dr. W. R. Bootz, C. F.

## SHIPPING INTELLIGENCE.

## ARRIVED AT HONOLULU.

Tuesday, May 21.  
W. stmr. Maui, Sacha, from sea in distress.  
E-L stmr. Mauna Loa, Simerson, from Maui and Hawaii ports.

Tuesday, May 21.  
W. stmr. Claudine Parker, from Maui.  
Wednesday, May 22.  
P. M. S. S. City of Peking, Smith, from the Orient.  
Tug Fearless, Brokaw, from Kahului.  
Gen. sp. H. F. Glade, Haeslop, from Kauai.  
Am. sp. Chas. E. Moody, Aspe, 30 days from Tacoma.  
Gen. S. S. Samoa, Spence, from Samoa.  
I-L stmr. Kauai, Bruhn, from Hawaii.

Thursday, May 22.  
Br. S. S. Stratigraphy, Gordon, from Yokohama, May 9.  
Am. bkt. S. G. Wilder, Jackson, 16 days from San Francisco.  
A-H. S. S. Hawaiian, Bainbridge, from Kahului.  
I-L stmr. Ke Au Hou, Mosher, from Kauai.  
I-L stmr. James Makai, Tullett, from Kauai.

Friday, May 23.  
Am. bk. Carrollton, Jones, for the Sound in ballast.  
Am. schr. Bainbridge, Sauman, for the Sound in ballast.  
L-L stmr. Claudine, Parker, for Maui and Hawaii ports.  
I-L stmr. Hanalei, Pederson, for Kauai ports.

Wednesday, May 23.  
Am. bk. Palmyra, Kellar, for the Sound in ballast.

SAILED FROM HONOLULU.

Tuesday, May 21.  
W. stmr. Kinai, Freeman, for Hilo and way ports.

W. stmr. Lehua, Bennett, for Molokai.  
I-L stmr. Mikahala, Gregory, for Kauai.

E-L stmr. Nihau, Thompson, for Kauai.

W. stmr. Mokoli, Napali, for Kahului.  
W. schr. Golden Gate, for Kahului.

Wednesday, May 22.  
I-L stmr. Hanalei, Pederson, for Kauai.

I-L stmr. Iwai, Greene, for Kauai.

P. M. S. S. City of Peking, Smith, for San Francisco.

## ESTIMATES FOR THE POLICE.

A great deal of time was spent at yesterday's session of the Senate in reference to the high sheriff's estimate for the ensuing period. Senator Kalauakai being aggressive in regard to some of the items.

The Senator thought that the police on the Islands of Hawaii, Maui and Kauai were underpaid.

High Sheriff Brown said in reference to the matter that it does not cost as much to live on the other islands as it does in Honolulu, and besides the most of the policemen, especially those in the country districts, do not have to pay any rent for the houses in which they live. They are only called upon in cases of necessity, and between times cultivate their taro and rice fields.

In the high sheriff's estimates herewith submitted, it is shown that he has kept well within the appropriation asked for.

In regard to the item in the appendix to the report concerning maintenance, etc., High Sheriff A. M. Brown said the reason for the increase appearing there was that the cost of feeding the prisoners had grown.

Where they paid five cents per pound for beef a short time ago, they now had to pay twelve cents per pound. Poi has increased in price from one and one-half cents to three cents per pound. The price of rice had also increased. The following is the high sheriff's estimate in full, itemized:

## OAHU POLICE AND RATE OF PAY FOR ENSUING PERIOD.

Rate of Pay per Month.

Names—  
High Sheriff . . . . . \$ 250  
Deputy Sheriff . . . . . 200

Second Deputy Sheriff . . . . . 100

Senior Captain . . . . . 150

First Watch—  
1 Captain . . . . . 80

1 Lieutenant . . . . . 60

2 Officers at \$60 . . . . . 120

3 Mounted Officers at \$60 . . . . . 180

Second Watch—  
Same as first . . . . . 1235

Third Watch—  
Same as first . . . . . 1235

High Sheriff's clerk . . . . . 150

Assistant Clerk, High Sheriff Stenographer and typewriter, police station . . . . . 100

Clerk, deputy sheriff . . . . . 50

2 District Court officers at . . . . . 150

2 Harbor Police at \$15 . . . . . 30

2 Patrol Wagon Drivers at \$75 . . . . . 150

2 Turnkeys, Police Station at . . . . . 25

2 Clerks, Receiving Station at . . . . . 100

Hack Inspector . . . . . 100

Assistant Hack Inspector . . . . . 50

Physician, Receiving Station . . . . . 150

Chief Detective . . . . . 100

Japanese Interpreter . . . . . 100

4 Special Police at \$75 . . . . . 300

4 Special Police at \$60 . . . . . 240

2 Chinese Officers at \$60 . . . . . 120

3 Japanese Officers at \$60 . . . . . 180

Koolauola and Kooiaupoko—  
Deputy Sheriff . . . . . 75

Koolauola, 2 Officers at \$40 . . . . . 80

Kooiaupoko, 2 Officers at \$40 . . . . . 80

Waialae—  
Deputy Sheriff . . . . . 75

2 Officers at \$40 . . . . . 80

Ewa and Waianae—  
Deputy Sheriff . . . . . 75

Ewa, 4 Officers at \$40 . . . . . 160

Waianae, 1 Officer . . . . . 40

Total . . . . . \$7,655

## JAILORS, ISLAND OF OAHU.

Rate of Pay per Month.

Names—  
Oahu Jail— . . . . . \$ 150

Jailer . . . . . 100

Deputy Jailer . . . . . 75

Clerk . . . . . 75

Turnkey . . . . . 50

Captain of Guards . . . . . 60

2 Guards at \$45 . . . . . 90

Physician . . . . . 50

Chaplain . . . . . 25

Kooiaupoko and—  
Jailer . . . . . 40

Total . . . . . \$7,655

## POLICE AND JAILORS, TERRITORY OF HAWAII FOR EN- DING PERIOD.

Pay of Police and Gds. Two Months.

Names—  
Oahu Jail . . . . . \$ 150

Jailer . . . . . 100

Deputy Jailer . . . . . 75

Clerk . . . . . 75

Turnkey . . . . . 50

Captain of Guards . . . . . 60

2 Guards at \$45 . . . . . 90

Physician . . . . . 50

Chaplain . . . . . 25

Kooiaupoko and—  
Jailer . . . . . 40

Total . . . . . \$7,655

## KALAWA AND RATE OF PAY.

Rate of Pay per Month.

Names—  
Sheriff . . . . . \$ 150

Deputy Sheriff . . . . . 125

Clerk to Sheriff . . . . . 50

Lihue Police . . . . . 50

1 Captain . . . . . 100

4 Officers at \$40 . . . . . 160

Koloa . . . . . 75

Deputy Sheriff . . . . . 100

4 Officers at \$40 . . . . . 160

Waimea . . . . . 75

Deputy Sheriff . . . . . 100

4 Officers at \$40 . . . . . 160

Total . . . . . \$7,655

## POLICE AND RATE OF PAY.

Rate of Pay per Month.

Names—  
Kauai Jail— . . . . . \$ 150

Jailer . . . . . 100

Deputy Jailer . . . . . 75

Clerk . . . . . 75

Turnkey . . . . . 50

Captain of Guards . . . . . 60

2 Guards at \$45 . . . . . 90

Physician . . . . . 50

Chaplain . . . . . 25

Kooiaupoko and—  
Jailer . . . . . 40

Total . . . . . \$7,655

## POLICE AND RATE OF PAY.

Rate of Pay per Month.

Names—  
South Hilo Police . . . . . \$ 200

2 Captains at \$100 . . . . . 200

10 Officers at \$45 . . . . . 450

1 Chinese Officer . . . . . 60

2 Station House Clerks at \$60 . . . . . 120

North Hilo—  
Deputy Sheriff . . . . . 75

4 Police Officers at \$45 . . . . . 180

Special Police . . . . . 100

2 Station House Clerks at \$60 . . . . . 120

North Hilo—  
Deputy Sheriff . . . . . 75

4 Police Officers at \$45 . . . . . 180

Special Police . . . . . 100

2 Station House Clerks at \$60 . . . . . 120

North Hilo—  
Deputy Sheriff . . . . . 75

4 Police Officers at \$45 . . . . . 180

Special Police . . . . . 100

2 Station House Clerks at \$60 . . . . . 120

North Hilo—  
Deputy Sheriff . . . . . 75

4 Police Officers at \$45 . . . . . 180

Special Police . . . . . 100

2 Station House Clerks at \$60 . . . . . 120

North Hilo—  
Deputy Sheriff . . . . . 75

4 Police Officers at \$45 . . . . . 180

Special Police . . . . . 100

2 Station House Clerks at \$60 . . . . . 120

North Hilo—  
Deputy Sheriff . . . . . 75

4 Police Officers at \$45 . . . . . 180

Special Police . . . . . 100

2 Station House Clerks at \$60 . . . . . 120

North Hilo—  
Deputy Sheriff . . . . . 75

4 Police Officers at \$45 . . . . . 180

Special Police . . . . . 100

2 Station House Clerks at \$60 . . . . . 120

North Hilo—  
Deputy Sheriff . . . . . 75

4 Police Officers at \$45 . . . . . 180</p